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THE CHURCH OF THE WORD INCARNATE

AN ESSAY IN SPECULATIVE THEOLOGY

by

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Translated by

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Volume One:

THE APOSTOLIC HIERARCHY

SHEED AND WARD
LONDON AND NEW YORK

HHST PUBLISHED IN 1955
BY SHEED AND WARD LTD.
23 maiden lane
LONDON W.C.2
AND
sheed and ward, inc.
NEW YORK 3

NIHIL OBSTAT: CAROLUS DAVIS, S.T.U
CENSOR DEPUTATUS
IMPRIMATUR: Ψ edcardus MYERS
COADJUTOR WESTMONASTERIENSIS
WESTMONASTERII, DIE JA ADGUSTI, <954

This book is a translation of *L'Eglise du Verbe Incarne,* published by Desclée de Brouwer et Cie., Paris.

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PRINTED IN GREAT BRITAIN
BY PURNELL AND SONS, LTD.
PAULTON (SOMERSET) AND LONDON

AUGUSTINO

ET

THOMAE

DOCTORIBUS

ATQUE

VIRGINI SENENSI

SEGRETARIA DI STATO
DI SUA SANTITÀ

Dal Vaticano, li 6 Novembre 1952

N. 277721

^Sex^ra^months ago you had the thought of offering to the Sovereign Pontiff the second volume of your study on the Church of the λVoid Incarnate. I am happy to inform you that His Holiness was pleased to accept, with an affectionate interest, this expression of filial loyalty, and that he has charged me to express his warm thanks.

This new volume is devoted to the study of the internal structure of the Church and of her Catholic unity; in it you have once more made it your care to put your vast learning at the service of the teaching of theology. There will doubtless be discussion over this or that point, but as far as your work as a whole is concerned you are to be congratulated on having carried out successfully a work which will help many of our contemporaries to get a firmer grasp of this mystery of the Church, which perpetuates through the centuries and the vicissitudes of history the very mystery of the Word Incarnate.

The Holy Father is thus pleased to invoke wholeheartedly upon yourself and the successful continuation of your work a special outpouring of divine grace, and in token of his paternal gratitude he gladly grants you the favour of the Apostolic Benediction.

With my personal thanks for the copy of your book which you so thoughtfully sent me, please accept, Monsignor, my hearty good wishes in Our Lord

G. B. MONIINI
Subst.

Monseigneur Charles Journet
Grand Séminaire
Fribourg

VOLUME ONE

THE APOSTOLIC HIERARCHY

Dotata Patris gloria
Respersa Sponsi gratia,
Regina formosissima . . .

Hymn, in Vesp. Dedicat.

VOLUME ONE: THE APOSTOLIC HIERARCHY: THE IMMEDIATE EFFICIENT CAUSE OF THE CHURCH AND OF HER APOSTOLICITY

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INTRODUCTION

The studies on the Church which I began to write some years ago, and to which various reviews such as *Vie Spirituelle, Revue Thomiste, Éludes CarmMitaines* and others, especially *Nova et Vetera,* have extended a welcome, were meant as sketches or fragments of a comprehensive work in which I hope to explain the Church, from the standpoint of speculative theology, in terms of the four causes from which she results—efficient, material, formal and final. This work is to be in four books.

This is the first of them. It treats of the immediate efficient cause producing the Church in the world, that is to say of the two powers, sacramental and jurisdictional, which by virtue of their union constitute the apostolic hierarchy. We shall consider, by way of corollary, the question of apostolicity.

A second book will study the nature of the Church as composed, in the image of Christ the Head and of men the members, of a spiritual element essentially invisible (the formal cause or soul of the Church) and of a material element essentially visible (the material cause or body of the Church). From the soul of the Church there derives her unity, and from the body of the Church her catholicity.

The third book will deal with the end of the Church, that is to say with God considered as her "separated" Common Good; and then of her interior order which is her immanent common good, and from which results her sanctity.

The fourth and last book will deal with the Church as she was in the days of her preparation before Christ came; and with what she will be in her consummation, in purgatory and in heaven. In this I shall emphasize simultaneously the continuity of her substantial being and the diversity of her accidental modes.

"If St. Thomas should come back to earth," wrote Père Gardcil, "and could see the dogma of the Church at the point of development it has attained in our day, I do not doubt that he would give it generous space in the third part of his *Summa Theologica,* between the treatise on the Incarnation and the treatise on the sacraments."[1]

Works on the Church undertaken since St. Thomas's time have been chiefly directed—even the *Summa de Ecclesia* of Turrccremata is not altogether an exception—to defending the Church's authority, called in question since

[1] *La crédibilité et l'apologétique,* 1912, p. 220

the end of the medieval period either by the civil power or by various forms of heresy. The result is that even to-day the questions discussed in treatises on the Church mainly concern either the hierarchy, that is to say the power of order and the power of jurisdiction, or the marks by which the true Church is to be recognized. These will be found for the most part in this first book.

This concentration upon apologetic has tended to exclude from treatises *de Ealesia* all deeper study of the intimate constitution and essential mystery of the Church. It is precisely these, however, that most interest us to-day. We usually find them treated separately under the heading of the Mystical Body of Christ. Doubtless we could justify such a separation on grounds of convenience; but it would be a fatal thing if it led us to believe in the existence of two distinct theological treatises, one, on the Church, dealing with the hierarchical organization, the other, on the Mystical Body, with the inner life of the members of Christ. For that could mean our seeing a separation of the hierarchical organization and the organization of charity, of the Church and the Body of Christ. Pius XII warned us against any such error in his discourse to the seminarists of Rome on June 24th 1939: "It would be erroneous to distinguish between the juridical Church and the Church of charity. That is not how things are, rather this juridically established Church, having the Sovereign Pontiff for head, is also the Church of Christ, the Church of charity, and of the universal family of Christians."[1]

Any such error is impossible if we set out to explain the Church in terms of the four causes on which she essentially depends. The apostolic hierarchy will then represent no more than the immediate efficient cause of the Church, of the Mystical Body. Its proper effect is to give existence to the Church herself, "Christ diffused and communicated", along with her two constitutive causes, the soul that makes her wholly spiritual and the body that makes her wholly visible; and to set her on the way towards her final cause namely the divine sanctity, which it is her mission to reflect and communicate.

In this perspective the four marks, the four notes of the Church, naturally fall into place as corollaries of each of her four causes respectively.[2] They are seen as rooted in and growing out of the very essence of the Church, an exteriorization, a normal manifestation, of her mystery. After that we can leave it to apologetic to make the most of these marks in the concrete, to give them a more supple and detailed application as changing times and circumstances may demand.

An important question—various aspects of which we shall meet with later on—must be settled at the outset of this work. What meaning is to be attached, in speculative theology, to the word "Church"?

[1] *Documentation catholique*, 20 August 1939, col. 1000. The Holy Father condemned this distinction once more in the encyclical *Mystici Corporis Christi*, A-A.S., 1943, p. 224.

[1] The linking up of the properties and the notes with the four causes of the Church is indicated by Père Garrigou-Lagrange, *De Raelatione pa Ecclesiam Catholicam Proposita,* Paris 1918, vol. II, pp. 208, 210, 2U, 213.

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The word Church may be taken, and I shall in this book take it, in its *formal,* or *ontological,* or *theological* sense. So taken it indicates the Church in her entirety, body and soul together. But it indicates the Church alone, pure and unmixed, to the exclusion of all that is other than herself.

Looked at in this way, the Church is composed of just men and sinners. But that statement needs further precision. The Church contains sinners. But she does not contain sin. It is only in virtue of what remains pure and holy in them, that sinners belong to her—that is to say in virtue of the sacramental characters of Baptism and Confirmation, and of the theological habits of faith and hope if they still have them. That is the part of their being by which they still cleave to the Church, and are still within her. But in virtue of the mortal sin which has found its way into them and fills their hearts, they belong chiefly to the world and to the devil. "He who commits sin is of the devil" (i John iii. 8).

Similarly we can say that the Church contains the just; but precisely in so far as they are just. To the extent to which, beside the profound choice of the will that unites them to God, they still harbour a region of shadows, a concession to venial sin, to that extent they are partially outside the Church.[1] Two categories of members alone are *wholly* within her—the newly baptized who have not yet sinned, and those souls that are consummated in sanctity, all absorbed by the light, like those of whom St. John of the Cross writes, in the last strophe of Iris *Canticle,* that henceforth they are no more troubled by the assaults of the devil or by the revolts of the passions. To them the words of the Apostle fully apply: "Whoever is bom of God committeth not sin: for his seed abideth in him, and he cannot sin, because he is born of God. In this the children of God are manifest, and the children of the devil." (i John iii. 9-10.)

Thus the frontier of the Church passes through each one of those who call themselves her members, enclosing within her bounds all that is pure and holy, leaving outside all that is sin and stain, "more piercing than any two-edged sword and reaching unto the division of the soul and the spirit, of the joints also and the marrow, and discerning the thoughts and intents of the heart" (cf. Heb. iv. 12). So that even here below, in the days of her pilgrimage, in the midst of the evil and sin at war in each one of her children, the Church herself remains immaculate; and we can apply to her quite fully and without any restriction the passage of the Epistle to the Ephesians (v. 25-28): "Christ also loved the Church and delivered himself up for it: that he might sanctify it, cleansing it by the laver of water in the word of life: that he might present it to himself *a glorious Church, not having spot or wrinkle or any such thing, but that it should be holy and without blemish."*[2]

[1] "Aliud quippe volumus quia sumus in Christo, et aliud volumus adhuc in hoc saeculo" (St. Augustine, *In Joann. Eoang.,* tract. 81, no. 4).

[2] Soloviev well says that "the Church is unsoiled by our sins but he errs when he adds that "she is not in us, although she is made up of us", and by reducing her to no more than a pure spiritual form that gathers up believers. Cf. *God, Man and the Church, the Spiritual Foundations of Life,* trans. D. Attwater, London, page 143.

It is therefore always in this formal and theological sense that we take the word "Church" when we call her One, Holy, Catholic, Apostolic, the Bride and Body of Christ, the temple and dwelling-place of the Trinity. The sins of her members are not to be identified with the Church, or the imperfections of Christians with Christianity'. It is not these that constitute her, or make her visible; but rather her true body, always illuminated by her soul—though the intensity of the illumination may vary from one age to another.

But the word "Church" can also be taken in a *material* manner. We may say, as before, that the Church is composed of just men and sinners. But in this sense the sinners are regarded as entirely within the Church, their sins included, and the Church herself is seen as a mingling of sanctity and sin. Evil has penetrated within her boundaries.

This material way of looking at the Church may arise from two very different preoccupations.

We meet with it on the one hand among the empiricists, notably the historians, who tend professionally to consider the Church from an exterior, descriptive and phenomenal standpoint. Seeing in her good men and bad men intermixed, they refer the actions of either indiscriminately to herself. They see her as responsible for all the good and all the evil which her members produce in time; she is at once the source, and the scene, of all the high achievements and all the unworthy lapses of Christians.

This material way of looking at the Church may be found on the other hand, and for almost opposite reasons, among preachers and the apostolically minded. They are not wanting in love, or in a sense of the mystery of the Church. But they arc led to consider this mystery less under its ontological aspect, which appeals most to the speculative theologian, than under its dynamic, moral, and deontological aspect. Anxious to show Christians that *de jure,* in virtue of the law of their Baptism, they ought to live altogether in the light, altogether within the frontiers of the Church, they are inclined to assign her not her real frontiers, but the frontiers which she *should* have, and which indeed she has, as we said, in the newly baptized and in the saints. They cannot bear to envisage any limits to the Church within the soul of any single Christian; they want to push those limits back until they touch the extreme regions of the man, and end by encircling all the obediential powers of his soul. Thus they see the sins of Christians as within the very bosom of the Church, thereby strongly accentuating their almost sacrilegious character. Origen could say that lust and avarice had turned the Church, in certain places, into a den of thieves, and could make Christ Himself borrow the Psalmist's words to bewail her disorders: "Of what avail is my blood, since I descend into corruption?"; St. Augustine could say that she limps, St. Catherine of Siena that she is leprous. These paradoxical modes of expression may, of course, derive from the famous words of the Apostle: "Know you not that your bodies are the members of Christ? . . . Shall I then take the members of Christ, and make them the members of a harlot? ...

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Or know you not that your members arc the temple of the Holy Ghost, who is in you, whom you have from God; and you are not your own? For you are bought with a great price." (i Cor. vi. 15, 19.) Taken formally and ontologically such expressions as those of Origen and Augustine and Catherine might seem to mean that "Christ sins and has always sinned in His members"—a proposition condemned by the twenty-second session of the Council of Basle.[1] It can be said that Christ lives, suffers, and sanctifies Himself in His members. It cannot be said that He sins in His members.

It is then from the formal and ontological standpoint that wc shall consider the mystery of the Church. Steadily so to see her makes certain demands upon us. We must resist every tendency to materialize the Church, to confuse her real frontiers with those of the persons who belong to her, of the groups or parties in which they are enrolled. We must be always redrawing by faith her true and living frontiers *within* these persons, groups and parties, indeed within our own proper personality. And if it be true that nobody knows for certain whether he is worthy of love or of hatred, it is also true that no Christian knows for certain how the boundaries of the Church cut across his own being, whether they pass on this side or that of his heart's centre of gravity; none of us can do more than say with the Psalmist in fear and trembling: "Judica me Deus, et discerne causam meam . . . ab homine iniquo et doloso erue me." Of this Church—which comes from God by way of Christ and the hierarchy, which is visible, which includes sinners but not their sins—we shall have to say that she is at once purer and vaster than is commonly believed; purer, because she rejects all stain of sin, and vaster because she draw's to herself everything that begins to spring up in the world from the seed of grace.

There is presumption in undertaking a comprehensive essay on the mystery of the Church, the mystery of the incomprehensible riches of Christ as they superabound in the heart of the world's misery. But the passage of time inescapably poses very grave questions to every contemporary mind; and no mere surface apologetic can cope with them. If we can bring into an organic whole the scattered insights that are offered us by the past, these questions can be answered at their true depth. If therefore anything be thought to be true in the pages that follow, let it be attributed to St. Augustine and St. Thomas Aquinas, whose faithful disciple I have tried to be. When one has such masters to follow, nothing is easier than to betray by a fidelity that goes no farther than the words, nothing is more difficult than to rediscover beneath familiar, almost banal formulae, the deep intuition that gave them birth. In these great Doctors I have found a theology of the Church more living, more far-reaching and more liberating than that which our manuals commonly contain. In them we feel the active presence of a vision of the mystery of the Church understood as an extension of the Incarnation. That vision we find in the Fathers, Latin as well as Greek;

[1] Cf. A. Palmieri, art. "Favaroni" (Augustin), *Diet, de thiol, cath,* col. 2113.

it is supported by the whole tenor of the New Testament. None of the heresies ever managed to see it in its entirety', but it was seen from the first and developed down the centuries with infinite delicacy, by the magisterium of this Roman Church which Thomas Aquinas revered so devoutly and to whose correction, when he came to die, he submitted all his writings. This same vision of faith continued to illumine the work of later theologians, and it is good indeed to experience the intimate communion which brings together on such high ground minds that are otherwise so diverse, even opposed: even when on problems not yet decided by the Church I have adopted another opinion than that maintained by some of them, the point at which I have had to abandon them senes but to show the length of the road we have travelled together. And up to a point one can say the same about certain thinkers who have remained outside the Church.

Inasmuch as they help us to share in the primordial intuitions of the faith, the texts of the past are never wearisome. They lead the mind into pastures that are always new, which we leave refreshed, not only towards the past, but also towards the problems and situations of to-day. There is only one way in which a tree can prove that it lives, and that is by sending out new shoots and new flowers every spring. Thus, to be always truly itself, the theology of the Church should be always abundant in new consequences. How should we ever have perceived them unless we had been guided by the writings of our contemporaries, whether theologians by vocation or otherwise?—and those that are not so are occasionally the more sensitive to vibrations coming from worlds that are still in formation.[1]

The reader will find many repetitions, because my aim has been, while treating of each particular truth concerning the Church, to make the weight of all the others felt. In this first book, the reader should find a sort of sketch foreshadowing all that is to be developed in the rest.

I am enough in love with speculative theology' to give it the greater part of my time; but I am well aware that a higher wisdom exists, one which St. Thomas speaks of on the very threshold of his *Summa,* and which consists, he tells us, in "suffering" divine things. When I come to speak of the omnipresence of charity, I shall call attention to this experimental knowledge, in virtue of which an individual soul can wonderfully experience the universal mystery of the Church. It was almost exclusively in this way that St. Catherine of Siena knew the Church, and what she has to say of it is better calculated to kindle our hearts than all the writings of the theologians. That is why her name will be found at the head of this book. While writing it I have had in mind another and a greater than she, one in whom were recapitulated and summed up all the riches that the Church, taken as distinct from Christ, taken as the bride of Christ, could offer successively down the

1 It was Newman, who did not see himself as a "theologian", who, in the nineteenth century, was one of the first to see the whole importance which the problem of the development of dogma would acquire. Before him came the " autodidact", J. A. Moehler.

ages of faith: all the splendours, all the purity, all the heart-rending sorrow and compassion. I mean the Blessed Virgin Mary.

NOTE. For the English translation of the first volume of *L'Eglise du Verbe inearné,* two Excursus have been added: II: Some Recent Views on the Sacrament of Order: X: The Origins and Transmission of Political Power. Several of the notes have been revised in accordance with these additions, and I have had the opportunity in a considerable number of places of improving upon what I originally wrote.

Chapter I

THE PHASES OF THE ACT GENERATIVE OF THE CHURCH, OR, THE SUCCESSIVE DIVINE REGIMES OF THE CHURCH

The first act of the divine omnipotence is that by which it creates the universe from nothing, and maintains the substantial being of things by virtue of an unceasing immediate contact. "Now in each thing," says St. Thomas, "there is a proximate and immediate effect of God. For we proved . . . that God alone can create. Also, in each thing there is something caused by creation: in bodies, there is primary matter; in incorporeal beings there is their simple essence . . . Accordingly God must be present in all things at the same time: especially since those things He called into being from non-being, are continually preserved in being by Him. Wherefore it is said [Jeremias xxiii. 24] : *If fill heaven and earth;* and [Psalmcxxxviii.8 (Vulg.)J: *If I ascend into heaven, Thou art there: if I descend into hell, Thou art present."*[1]

The second act of the divine omnipotence is even more astonishing. It is that by which it seeks to invest and enrich human persons with gifts so wonderful and so pure that these persons can become, in union with each other and with God, a collective living abode in which God Himself will delight to dwell. When, in the Old Testament, Wisdom speaks, it is to say: "And in all these [peoples and nations] I sought rest, and I shall abide in the inheritance of the Lord" (Ecclus. xxiv. 11 (Sept.)). Similarly, towards theend of the Apocalypse, the Church appears to St. John as "the holy city, the new Jerusalem"; and he hears a great voice coming from the throne and saying: "Behold, the tabernacle of God with men, and he will dwell with them. And they shall be his people: and God himself with them shall be their God" (xxi. 2-3).

Now what arc we to say of this act by which God has produced the Church, His abode among men—whether we call the Church a miserable hovel on account of human sin, or a temple on account of the Guest it shelters? Has it known but a single form, unchanged down all the ages? Did God from the beginning produce His Church as it stands to-day, and has time no other part to play than to lend endurance to what was perfect from the start?

1 III *Contra Grntrs,* cap. Ixviii. "Just as God alone can create, so too He alone can bring creatures to nothing, and He alone upholds them in being lest they fall back into nothing. /\nd thus it must be said that the soul of Christ had not omnipotence with regard to the immutation of creatures" III. q. 13› a·2·

The answer is clear. The divine act that produced the Church has been marked by several phases. These might be called the various divine regimes under which the people of God have lived during the course of the ages, the divine regimes of the Church. For God led the Church through various successive states, and the purpose of time is to enable this Church not only to endure, but also to progress till it reaches that state which is to be the last one in this world, the state in which it enters the era of the Incarnation and of Pentecost.[1]

Let us briefly recall the succession of the divine regimes of the people of God and of the Church.

i. THE REGIME PRIOR TO THE CHURCH

The Angelic Doctor teaches that God originally decided to act upon men directly, that is to say without any intermediary cause, to invest them with the grace of innocence and so to make of them the living abode in which He would come to dwell upon earth. In that respect the first regime of the people of God was profoundly different from those that followed the Fall and with which the Church properly so-called was to begin her course. Neither the mediation of Christ, nor that of any instrumental causes such as the sacramental or jurisdictional powers, was then in question at all.

It is clear in fact that the supernatural gifts of grace and truth with which the first man was to be endowed, could not pass by way of Christ, since the Word was not yet incarnate. We must go further. These supernatural gifts were not even given *in view of* the future sufferings of Christ, since, had man not sinned, God would not have had to redeem him by His sufferings; since indeed, as St. Thomas thought towards the end of his fife, had man not sinned God would never have become incarnate.[2] Consequently, neither the grace conferred on the first man, nor that conferred on the angels, could, properly speaking, be the grace of Christ, *gratia Christi.* In connection with this point however, to which we shall return, there is a difference between the grace of the first man and the grace of the angels. While on the one hand the grace of innocence had to be lost in order to give place to that of redemption, to which it was ordered only indirectly and materially, the grace of the angels was ontologically preaccorded (both intensively and extensively) to the perfect grace that was to fill the soul of Christ when the

[1] It is remarkable that the ancients, who were innocent of our views on the evolution of the universe, and believed in a certain natural immobilism, were conscious, thanks to revelation, of the law of historical development in its most eminent case—that of the spiritual salvation which was to progress from the Fall till the advent of the Messiah. " The Greek cosmos is a world as it were without history, an eternal order in wliich time has no efficacy, whether because it leaves that order always the same, or because it produces a succession of events which always come back to the same point, through cyclical changes indefinitely repeated. The opposite idea, that reality is subject to radical changes, to fresh impulses, to genuine innovations, would have been impossible before Christianity had come to overturn the cosmos of the Hellenes " (Émile Bréhier, *Histoire de a philosophie,* vol. I, p. 489).

Word should eventually become incarnate. Consequently, when man's sin had shattered the harmony of innocence and the Word had resolved to become incarnate so as to die on the cross, the plenary grace created at that instant in His heart became the centre of reference, the locus, of all the graces that existed beforehand in the angels, just as the centre marked afterwards in an already existing circle becomes the locus of every point in the circumference.[1] We can go further along this road and add that as soon as the incarnation of the Word was accomplished, the angels began to receive, through the physical intermediation of the humanity of Christ, those graces which hitherto they had received immediately. Thus Christ is indeed the Kang of angels, now distributing to them the essential grace they have always possessed and the accidental graces supcradded thereto.[2]

It is clear furthermore, according to the doctrine of St. Thomas, that had mankind continued in innocence the supernatural gifts of grace and truth would have reached them without passing through instrumental causes such as the sacramental or jurisdictional powers. The law of innocence meant in fact that spiritual life would flow from God to the soul and from the soul to the body: it would have been a breach of this law if grace and truth had come to the soul, which is spiritual, by way of sensible means or signs.[3]

Thus the divine omnipotence was the sole cause of the people of God in its first form. Doubtless the ministry of angels was already in operation to fortify men against the wiles of the devil[4] and to bring them the divine commands;[5] but the object of this mediation, which, in any case, was wholly spiritual, remained accidental. The essential gifts of grace and truth came immediately from God. Thus the divine government, prior to the coming of the Church, excluded all corporeal or visible intermediaries.

1 " Of all this multitude [angels and men] Christ is the Head: for He stands nearer to God and He participates in the divine gifts more perfectly than men and the angels" (St. Thomas, III, q. 8, a. 4). The creation and justification of the angels, remark the Salmanlicenses, who were never to make shipwreck but would always endure, " might very well have been ordered to Christ as to their end, and consequently be the term of His influence in the order of final causality " *{De Incarnatione,* disp. 16, dub. 5, no. 77).

2 The influx of Christ, says St. Thomas, " attains not only men but also the angels; for we read in die Epistle to the Ephesians [i. 20-22] dial God the Father set Christ down *on His right hand in the heavenly places, above all principality and power, and virtue and dominion, and every name that is named, not only in this world, but also in that which is to come, and hath subjected all things under Hisfeet* " (III q. 8, a. 4). I think we are justified in saying of the grace of the angels what John of St. Thomas said of die grace of die just before Christ: " The influx which the Word of God, conjoindy with the Father and the Holy Spirit, bestowed in a direct manner on the just of old, this He continues still to bestow, now' however availing Himself of the human nature with which He is clothed, as an instrumental cause " (III, q. 61, disp. 23, a. 3, no. 95; Vives Edn., vol. IX, p. 141). Men have a greater solidarity than angels have with Christ, a solidarity not merely of *nature* but of *destiny;* their whole life is drawn in the wake of His.

2 III, q. 6f, a. 2. Cajctan notes in his commentary on this article that if the state of innocence had been maintained, children would have been born in a state of grace and with the supernatural gifts that perfect the intelligence.

4 St. Thomas, I, q. 113, a. 4, ad 2.

* ibid. a. 1, ad 2.

2. *THE FIRST REGIME OF THE CHURCH*

Why did God allow the state of innocence to be destroyed? We know the answer: God permits evil only to make ofit the occasion for a greater good.[1] To the regime of creation, which might appear perfect, succeeds the regime of redemption which, on the whole, is to be better still. These two regimes differ profoundly. That of creation excluded ever)' visible mediator;® that of redemption was to be essentially the regime of a Mediator, awaited, then recognized, "the man Christ Jesus, who gave himself a redemption for all" (t Tim. ii. 6). The first regime gave birth to the first form of the people of God. The regimes that followed were to give birth to the Church properly so-called, which was not to be a people of God pure and simple, but a people of God marked with the sign of the redemptive Incarnation, a people of God called the "Body" of Christ, a people whose vocation it would be to prolong in space and time His temporal fife.

Immediately after the Fall the first of the regimes of the Church began. Grace and truth were now to be dispensed through a visible mediation.

The *grace* bestowed on souls from then onwards was that same grace which the Redeemer would one day merit by His love and pay for by His sufferings. In this sense it was already the grace of Christ, *gratia Christi.* And that is why it worked inwardly not only to begin the organization of the new people of God, but to lead this people gradually through the vicissitudes of their history towards the concrete and definitive status which it was to receive from Christ Himself.

To make it obscurely felt from the very outset that it came by anticipation from the mystery of the redemptive Incarnation, that is to say from the mystery of a God who made Himself visible and came down into our flesh, this grace was now given in dependence on visible signs, on outward actions, which theologians were to call sacraments. These sacraments were doubtless rudimentary. They were not yet, as they were to become under the New Law, the instrumental means and causes of grace; they were merely practical signs of it, serving to designate those on whom God in His mercy sent His grace immediately, provided they were rightly disposed.[3] These sacraments existed already under the law of nature, but their number and importance

[1] "Although almighty and sovereignly good, God nevertheless permits evils to arise in the universe which He could present, in case He should thereby exclude a greater good or provoke worse evils" (Π-II, q. io, a. n).

[1] St. Thomas, who holds that if man had not sinned God would not have become incarnate, affirms nevertheless that prior to the original sin Adam was aware of the future incarnation of the Word (II-II, q. 2, a. 7). How reconcile these two views? The Salmanticcnses supply the answer: Adam did not believe that Christ would be the Head of the people of God in respect of the state of innocence, but he did believe—and this is something very different—that Christ would be Head of the people of God in a new order of tilings, which, for the rest, lay quite beyond his ken *(De Incarnatione,* disp. 16, dub. 4, nos. 62 and 63).

[1] The sacraments of the Old Law "do not cause grace; they merely signified that it would be given through the Passion of Christ the sacraments of the New Law, on the other hand, "contain grace, and confer it on those who receive them with the required dispositions" (Council of Florence, Denz., 695).

was to be laid down in detail under the Law of Moses. As the history of the people of God unfolds, and the work of salvation progresses, we shall see the sacramental principle coming more and more to the fore.

An analogous course was followed in the preaching of divine truth. First of all the primitive revelation was transmitted exteriorly by the organ of a magisterium essentially fallible. God contented Himself with inwardly enlightening each particular soul by hidden inspirations. But under this regime the dangers besetting the work of salvation outweighed its advances. Then God raised up men whose mission was not merely to recall the content of the primitive revelation, but also to make it more explicit and more precise as time went on. These were the prophets. With them the principle of an exterior infallible teaching, first oral, then written, as a normal means of divine government, entered history for the first time.

Thus, in the measure in which the work of salvation proceeds, the importance of a visible mediation appears more and more clearly. Immediation is a sign of inferiority, mediation a sign of perfection and of progress. Why this law, at once so general and so mysterious? The answer is not far to seek. Visible mediation does not mean that God relaxes His care for the governing of men; it means on the contrary that His condescension begins to be more urgent, more helpful to a human nature wounded by sin. The moment it is introduced the immediate and direct solicitations of love, far from diminishing, become more abundant than ever. We may lay down the principle that for every outward promulgation of the law, there corresponds an inward inpouring of grace. These things are clear enough to anyone who understands that the regime of visible mediation is, from its very inception, a sort of adumbration and luminous shadow of the mystery of the Incarnation.

It remains true however that so long as this regime lasted, the visible mediation involved was still too imprecise to allow the act productive of the Church to bring with it the fullness of its effects of grace and truth:

1. Grace still came down directly from God to man. It did not pass through the humanity of Christ, so that it was not yet that rejoicing love which was to be concentrated first in the heart of the Word made flesh as the love with which the Father loved Christ, to overflow thence on all other men. Nor did it pass through the sacraments, which at this stage merely signified it but did not cause it: hence it still lacked the virtue and riches of those sacramental graces by which Christ was to establish His Church in its perfect state.

2. Moreover, supernatural truth, in the absence of a fully developed visible mediation, was neither completely revealed nor perfectly preserved.

Hence the first regime of the Church in its various realizations under the natural or the legal state, represents only a preparatory phase of the act productive of the Church.

3. THE EXISTING REGIME OF THE CHURCH

It was only when God, inaugurating the final era of history, chose to pour out at last upon men the supreme favours reserved for them from all eternity, that He established the Church in its definitive temporal status by bringing the regime of visible mediation to its highest point of perfection. This brought with it at once the deepest joy and the most effective help, but also the hardest trial and the most exacting exercise of our faith: the greatest joy and help, because there is nothing so connatural to man as to receive divine things humanly;[1] the hardest trial and effort, because there is no more surprising mystery than this collaboration of the uncreated with the created, of omnipotence with indigence, of eternity with time, of immensity with place.

First the Word is sent from heaven into our flesh, and then, having promised the help of the Spirit, He sends His own disciples into the world: "As the Father hath sent me, so also I send you" (John xx. 21). Hence the perfect regime of the Church militant involves a double visible mediation: that of the Incarnation and that of the hierarchy.

A. The Mediation of the Incarnation

The first and principal mediation is that of the human nature of Christ which from the moment of the Incarnation became the organ of the Divinity,[2] the instrument by which the divine action[3] is to fill the world with the good things of grace. Henceforth, all gifts that come down to us from the abyss of the Deity first pass into the heart of Christ; it is of His fullness that all men—and even angels, as we have seen—receive. But how then can the human nature of Christ, which is finite and circumscribed by reason of the body, extend its influence over all men in the world, and even to the angels? Just as an instrument can produce, in virtue of the principal agent, an effect that surpasses its own powers and bears the stamp of the principal agent, so the created nature of Christ, by becoming the instrument of the divine immensity, can overleap its natural boundaries and receive a virtue beyond all limits.[4] And it is precisely because Christ is able to pour the rays of His charity upon

[1] To receive divine things by the ministry of men is connatural to man, *in itself* and *essentially*. It can become *accidentally* a great trial—think for example of a people conquered in an unjust war, to whom the Gospel is brought by their conquerors. But God can stir up heroism on either side, and draw some good out of the evil, perhaps even here on earth.

[2] "The flesh serves as the organ of the Deity" (St. John Damascene, *De Fide Orthodoxa,* lib. III, cap. xv; P.G. XCIV, col. 1060). "Humana natura in Christo erat velut quoddam organum divinitatis" (St Thomas, *De Veritate,* q. 27, a. 4).

[3] "Humana natura est instrumentum divine actionis" (St. Thomas, III, q. 43, a. 2).

[4] The Passion of Chnst, remarks St. Thomas, being corporeal, cannot touch all men; but by reason of the Divinity united to it, it possesses a spiritual virtue and acts by spiritual contact (III, q. 48, a. 6, ad 2). The Salmanticenses were to say that although bodily contact with Christ is desirable *(connaturalis)* it is not necessarily required *(essentialis)* to produce a physical causality; a spiritual contact suffices *(De Incarnatione,* disp. 23, dub. 4, nos. 37 and 38).

all men without exception, because He can knock at the door of every soul, and play a part in the inner drama of each individual conscience, that God has made Him the absolutely universal instrument for the sanctification of the world to the exclusion of all others, so that, since His coming, no saving grace is ever given apart from Him. Hence it is that divine grace—now rightfully called the grace of Christ not only because it was merited by His charity and sufferings, but also because it passes through His heart before reaching us—brings with it new privileges.

For it delivers men for the first time from the penalty of original sin, opening the gates of heaven for them without further delay. That could not be said of the grace given by anticipation to the just men of the Old Law.[1]

Grace moreover, while of its own nature it divinizes men, does this now by "christening" them, that is to say by working to conform their lives more and more to that of Christ. It is true that the human nature of Christ acts as an organ of the Divinity and that, in a general way, effects resemble their principal cause rather than the instrument; but the human nature of Christ, being henceforth united to the Person of the Word as a human hand is united to a human person, possesses all the fullness of the life that it pours out on other men. It became on this account a privileged instrument, *speciale divinitatis instrumentum,*[2] causing our salvation "as by its own proper virtue",[3] not by a virtue transmitted as a "separated" instrument does, and as a minister, even a sinful minister, can do. That is why it was that from the Incarnation onwards, more than in earlier times, grace tended to draw men to God by conforming them to Christ.[4]

B. The Mediation of the Hierarchy

The second visible mediation, wholly subordinate to the first, is the mediation of the hierarchy.

I. THE TRUE EXPLANATION

i. Christ, in the course of His temporal life, could, as physical instrument of the divine power, act in two different ways: either from a distance, or by sensible contact.

[1] cf. St. Thomas, **III**, q. 49, a. 5, ad 1; q. 52, a. 5, ad 2, and a. 8, ad 3.

[2] St. Thomas, *De Vaitate,* q. 29, a. 5.

[3] " Christus autem operatus est nostram salutem quasi ex propria virtute, et ideo oportuit quod in eo esset gratiae plenitudo" (ibid., ad 3). Cf. John of St. Thomas, **III**, q. 8; disp, to, a. t, no. 45, vol. **VIII**, p. 260. Further on John of St. Thomas explains that the grace of Christ, being of the same species as ours, is of itself incapable of causing ours physically: it is by reason of Christ in whom it is found, and because it serves as an instrument of the divine virtue, that it can become the cause of our own grace. Hence it follows that Christ as man is the *instrumental* physical cause, but not a *second* physical cause, of our grace. (**III**, q. 13; disp. 15, a. 4, no. 45; vol. **VIII**, p. 460.)

[4] " The Son of God wished to bring others into conformity with His filiation, so as not only to be Son but also the Elder of many sons. Hence He who is, by an eternal generation, the Only-Begotten, is, by the transmission of grace, the First-Bom of many brothers " (St. Thomas, *Comm, ad Ram.,* cap. viii, lect. 6).

This can be seen in the case of the bodily cures. When the Jewish official begs Him to come down to Capharnaum where his son lies dying, Christ sends him back comforted, and straightway the child is healed (John iv. 46-54). When the centurion expressly asks that his servant may be healed by a single word spoken from afar, his prayer too is heard (Matt. viii. 5-13). When the Syrophoenician woman goes home she sees her child already freed from the devil (Mark vii. 29-30); and when the ten lepers are on the way to show themselves to the priests they find themselves suddenly cleansed (Luke xvii. 14). The cures however are, for the most part, wrought in a more direct way, by bodily contact. Our Lord touches a leper in Galilee (Mark i. 41) ; He spits on the eyes of a blind man at Bethsaida and lays hands on him twice (Mark viii. 23-25); He touches the eyes of two blind men at Capharnaum (Matt. Lx. 29); and again at Jericho (Matt. xx. 34) ; He allows the woman with the issue of blood to touch the hem of His garment (Luke viii. 44); He takes Jairus' daughter by the hand (Luke viii. 54) ; He touches the bier on which a dead youth is carried (Luke vii. 14); He makes them take away the stone which separates Him from Lazarus (John xi. 39), and so on. Further, Jesus seems to go out of His way, at one time to insist on the value of this sensible contact (as when He puts His fingers into the ears of the deaf-mute to signify that He is going to open them, and moistens his tongue to signify that He will unloose it (Mark vii. 33)) ; at another, to make His virtue pass by poor and altogether disproportionate material means (as when He puts clay on the eyes of the blind man of Siloc (John ix. 6)) ; and again, to extend its range by the use of words (as when He commands the paralytic to rise (Mark ii. 11), or Lazarus to come forth (John xi. 43)). Why, finally, did He deliberately prolong an absence without which Lazarus need not have died (John xi. 21 and 32), if not to help us to realize the virtue of His bodily presence?

These bodily cures are, above all, the symbols of spiritual ones. As soon as Jesus appeared, His heart radiated grace to illumine the world from afar. It was from afar that He knew Nathanael under the fig-tree (John i. 48-50), and His glance travels yet farther to all the true adorers in spirit and in truth (Johniv. 23), and all the sheep not yet in the fold of Israel (John x. 16). But He acted in a still more marvellous manner on those who approached Him; He slaked their thirst: "If any man thirst, let him come to me and drink" (John vii. 37); He comforted them: "Come to me all ye that labour and arc burdened, and I will refresh you" (Matt. xi. 28) ; He absolved them : ". . . but she with ointment hath anointed my feet. Wherefore I say to thee: Many sins are forgiven her, because she hath loved much" (Luke vii. 46-47) ; He touched their hearts with penitence: "And the Lord, turning, looked on Peter. And Peter remembered . . . and going out wept bitterly" (Luke xxii. 61); He put new heart into them: "Was not our heart burning within us, whilst he spoke in the way?" (Luke xxiv. 32); He met their love with love: "Now there was leaning on Jesus' bosom one of his disciples whom Jesus loved" (John xiii. 23). Here too we shall see Him use the spoken

word to enlarge the field of this sanctifying contact. A word casts out the unclean spirit in the synagogue of Capharnaum (Mark i. 25), and among the Gerascncs (Mark v. 8), and takes away the sins of the paralytic (Mark ii. 5), and cleanses the adulteress (John viii. 11).

It thus appears that in the days of His mortal life Jesus acted in two ways: He scattered His graces far and wide, and that is *actionfrom a distance;* and He communicated them in a more intimate manner to those whom He could touch, and that is *action by contact.* Certainly such contact is no indispensable means to His action; but it is His *connatural* means, the means to which He draws our attention, and for which He takes care to provide all possible opportunity by moving about through Galilee, Samaria, Judea, Decapolis and even to Phoenicia. And if we want the ultimate reason for this procedure we must seek it not merely in the principle (still too general) that direct contact between agent and patient favours the full efficiency of physical action (for when it comes from God through the heart of Christ, physical action can be perfect even at a distance), but above all in the *fact,* much more immediate, that inasmuch as our nature is wounded, it stands in need of a sensible stimulus to awaken it connaturally to the life of grace.1 And that explains why the perfection of heaven, where man will be glorified, will not be incompatible with Christ's action from a distance; whereas the perfection of earth, where man remains wounded, requires the action of Christ by sensible contact.2

2. Jesus has now been "taken up into heaven", He "sits on the right hand of God" (Mark xvi. 19), and is fully associated with His Father's power. Is His action to be restricted, from now onwards, to action from a distance? Is this the end of His action by contact? No: for before He left us He willed that there should always be among us certain men invested with divine powers, by whom the action that He initiates from heaven may be sensibly conveyed to each of us and may continue to reach us in the only way connatural to us—through direct contact. These are the hierarchic powers. Far from being substituted for Christ's action they are subordinated to it so as to carry it, in some sort, through space and time: like those mists left behind by the rain which continue to refresh the earth when the rain has ceased, they come to birth from the mystery of the Incarnation to perpetuate

1 Schcebcn considers that the purpose of sacramentality is less to overcome our wounds and weakness than to initiate a more sublime economy of salvation. We hold, without doubt, that the grace of Christ given us by the sacraments is better than the grace of Adam; so far, Schccben's views arc to be retained. But we must not forget that the sacraments—differing herein from the Incarnation—will pass away, and do not belong to the economy of the glorified Church (cf. M. J. Schcebcn, *Die Mysterien des Christentums,* Fribourg-im-B. 1865, ch. VII, no. 81, p. 541).

1 Direct contact of agent and patient may be said to be connatural by reason of *the generic exigencies ofphysical action* : for which reason the Salmanticcnscs, in a passage cited above, note that it is needed " connaturally ", not " essentially ", in view of a " natural " but not an " essential " condition (*De Incarnatione,* disp. 23, dub. 4, nos. 37 and 40). But this contact may be called connatural in another way, namely on account of *the particular condition of the patientz* to men wounded by the first sin only action by sensible contact can bring grace connaturally. St. Thomas teaches this view when considering the suitability of the Incarnation and of the sacraments. Cf. III, q. 1, a. 2; q. 61, a. i.

its blessings among us.[1] These powers are essentially ministerial, that is to say, transmitters; they would be without effect if the divine power, passing into the heart of Christ, did not perpetually come to touch them into life. They comprise two kinds of powers: the jurisdictional power, transmitting truth, and the sacramental power, transmitting grace.[2] Our Lord Himself announced, prepared and instituted them while He was still visible in our midst: He first sent the twelve .Apostles into Galilee (Luke Lx. i), then the seventy-two disciples into Judea (Luke x. r), and finally the "Eleven" with a mission to teach all nations until the consummation of the world (Matt, xxviii. 16-20). He baptized, or had baptized, all who came to Him (John iii. 22; iv. 2)' and He willed that after His ascension all nations should be baptized (Matt, xxviii. 16-20). And we have a sign, at once mysterious and manifest, that in these hierarchic powers He seeks to establish sensible contact with us. It appears in this, that the end of the highest of these powers, the power of order, is to give us His very presence itself, real and corporeal, under the sacramental veils.

Doubtless God could have saved us without becoming incarnate. Probably even in that case He would have established a visible hierarchy—an opinion that finds support in reasons of a general order, such as the fact that providence habitually rules lower things through higher. Such general reasons cannot content us when others, more precise and immediate, are at hand. We know that it was the desire to come into immediate touch with us that led God to become incarnate. And we know that Christ, after a short time in this world, was taken up into heaven where He sits at the right hand of the Father. How then can sensible contact between Him and ourselves be maintained? There is only one solution: namely that Christ, when about to leave the earth, founded here a visible hierarchy, assisted by Himself, directed by Himself, a hierarchy which, living in our midst, could serve as His instrument in establishing contact with us. He continues then to make contact with us by His action, but under the appearances of the hierarchy; as, in the greatest of the sacraments, He continues to make contact with us by His substance under the appearances of bread and wine. Such is the direct and immediate explanation of the institution of the Christian hierarchy.

2. FALSE EXPLANATIONS

To those who seek an explanation of the origin of the hierarchy but fail to rise to this level, it can hardly appear to be more than the product of a

[1] Prologue to the fourth book of the *Sentences io Anmbald.* This was really written by a Dominican of that name, a friend and disciple of St. Thomas. Cf. Père Mandonnet, O.P., *Des écrits authentiques de saint Thomas (ΓAquin,* Fribourg 1910, p. 153.

[1] It is true that there is no need for the presence of the hierarchic powers in the ministers of Baptism and of Matrimony, and that is why these two sacraments continue to exist in Protestantism. And yet these sacraments arc connected with the hierarchy by numerous links and that is why, in Protestantism, their validity remains, in spite of everything, precarious.

[2] This, for St. Augustine, was already the Baptism of the New Law. For St.John Chrysostom it was fundamentally no more than the baptism ofJohn. Cf. NL-J. Lagrange, *EzançiU selon saint Jean,* Paris X925, p. 91. St. Thomas follows St. Augustine (III, q. 66, a. 2): not however without hesitating (III, q. 73, a. 5, ad 4).

process of human sclf-divinization. We may here recall Chestov's reflections on what he calls the "power of the keys". In this he sees a hand uplifted against the transcendence of God, a progressive attempt at a hellenization of the biblical revelation. For Chcstov, Socrates was the first who clearly enunciated the formidable idea that the keys of heaven are on earth, at the disposal of men. The Christians tore this power from the hands of the idolaters, and to-day it is the scientific spirit that makes bold to grasp it. "Scratch a modern European, and whether he be positivist or materialist you soon discover under his skin the old medieval Catholic, convinced of his exclusive right to open the gates of heaven . . . If God Himself came to tell us that the *potestas clavium* belonged to Him alone the mildest of us would revolt."[1] We may find a very similar idea on the significance of our ecclesiastical hierarchy in Karl Barth.

At the bottom of the outlook of these thinkers there lies a fatal misconception of the relations between God and man. They suppose that if God conferred some of His powers on man He would have to resign these powers Himself; that what man possesses ministerially as instrumental cause, God must cease to possess sovereignly as First Cause; that there is, in a word, a concurrence or conflict between the *potestas* of the Creator and the *potestas* of His creatures, so that something given to them is something taken from Him. In such an hypothesis, it is evident that the salvific powers—but also all powers in general, even down to the act of existence itself—cannot belong both to God *and* to man; we must choose whether we shall attribute them to God *or* to man.

Those who reason thus are the victims of an univocal metaphysic. We do not attribute one and the same power of the keys both to God and to His ministers. The notion of the power of the keys is proportional, analogical. There are the keys of authority *{clavis auctoritatis)* which are the prerogative of the Holy Trinity; the key's of excellence *{clavis excellentiae)* which are proper to Christ, in that His human nature is the organ of the Divinity; and finally the keys of the ministry *{clavis ministerii)*[2] which alone are communicated to the Church and subsist in dependence on the two foregoing as if suspended from them. The first keys contain the second, and the second the third, as the ocean contains all its currents. It is a metaphysical error which falsifies in advance all attempts at exegesis, to imagine that the divine power cannot communicate itself to men by contact without losing something of itself in the process, that it ceases to be sovereign master of the goods it bestows. That the hierarchic powers, along with the created subjects in which they reside, remain in uninterrupted dependence on the divine power, is asserted by the author of the *Imitation of Christ.* Expressing the common doctrine on the most sublime and mysterious of these powers, that of consecrating the Body and Blood of the Saviour, he writes: "The priest is God's minister, using God's word, by God's own command and institution; but it is God who

1 Léon Chcstov, *Les relations de la mort,* preface by Boris de Schloezer, Paris 1923, p. xlvi.
2 St. Thomas, *IV Sent.,* dist. 18, q. 1, a. 1, quacst. r.

is here the principal Author and invisible Operator, to whom is subject all that He wills, and who is obeyed in all that He commands."[1]

3- THE CHARACTERISTICS OF THE HIERARCHIC ACTION

The virtue coming from God through contact with a visible hierarchy—which therefore might be called "hierarchic virtue" or, again, "apostolic virtue"—will have for its proper effect the formation of the Church. It will bear the marks of its double origin, divine and visible. And that is why it will possess characteristics apparently opposed; for instance, it will be perfect, but yet will call for completion; it wall be universal, but yet in need of something to supply for it.

It is *perfect* because it alone confers those sanctifying effects which are to bring the Church militant to her perfect historical age, to her ultimate specific form, which are to make her the completed Body of Christ, the community having Christ for Head and Christians for members, the marvellous abode in which God dwells somewhat as He dwells in Christ Himself. And yet it has need of *completing* graces over and above itself to prepare souls for it in the first place, and to perpetuate its effects. How, to start with, would the action of the hierarchy be welcomed by adults if they were not interiorly prepared by hidden influences coming from Christ without mediation to predispose them towards it, and continuing to stir them up afterwards to new' progress?* And since the hierarchy can only operate by individual acts, from time to time, in a way that is *morally* continuous of course, but yet *physically* discontinuous, how could its divine effects in souls—such as the sacramental character and sacramental grace, which nothing else could supply—be kept continuously in existence save by a continuous and secret influx? Certain gifts of plenitude, necessary for the constitution of the Church, could never be given to man without the contact of the hierarchy; but to ensure the acceptance of these gifts and their continuous persistence in time, requires the action of a power of completion, also coming from Christ, but without mediation and wholly invisibly.

Furthermore, the hierarchic virtue is *universal,* since it is to extend to all nations and to endure for all time: "Going therefore teach ye all nations: baptizing them . . . and behold I am with you all days even to the consummation of the world" (Matt, xxviii. 19-20). But the hierarchy reaches men through sensible contact. Can such a contact be really universal? Undoubtedly it can. First of all *de jure,* because the hierarchy is the unique

[1] Bk. IV, ch. v.

[1] There are two ways in which one can be called :ll First, *exteriorly* by the mouth of the preacher: UW0tti *hath sent her maids to incite to the tower and the walls of the city* [Prov. be. 3] ; thus God called Peter and Andrew [Matt. iv. 19]. The other calling is *interior,* and this is by way of a certain spiritual stirring, [' quidam mentis instinctus '] by which God inclines the human heart towards the things of faith and of virtue: *Who hath raised up the just one from the East and hath called him to follow him?* [Isaias xli. 2 (Vulg.)]. This second calling is indispensable, for our hearts would not turn to God if He did not draw us to Himself: *Xo man can come to me except the Father, who hath sent me, draw him* [John vi. 44]: *Concert us, O Lord, to thee, and we shall be concerted* [Lam. v. 2t]" (St. Thomas, *Comm, in Rom.,* cap. VIII, lecL 6).

visible instrument chosen by God to form His Church here below and communicate the fullness of grace and evangelical truth to the world; and *de facto* as well, for on the day of Pentecost the hierarchy established contact with a multitude of men of all condi dons, classes and tongues. Yet this factual universality of the hierarchy will be never fully achieved. Conditions for preaching the Gospel can always become more favourable; there can always be a greater readiness to receive it, more active zeal to spread it abroad. To suppose that the universality of the hierarchy will one day reach its theoretical maximum, is to suppose it to make contact not only with each of the great categories of mankind, but also with each subordinate group contained in those categories. That, in fact, is the utmost perfection of universality which we have any right to expect of a visible and social instrument of salvation. Even supposing it achieved, the hierarchy would not necessarily have made contact with each individual of each group; any individual might still be in invincible (non-culpable) ignorance of its divine character. Now we know on the other hand that God "will have all men to be saved, and to come to the knowledge of the truth" (i Tim. ii. 4), and that no human person, no man endowed with reason and freedom, xvill ever be abandoned by Him; even though, by no fault of his own, he wholly misses or misconceives the hierarchy. Such a man, living beyond its reach, will at least be visited as from afar by hidden redemptive influences, and only one who knowingly rejects these express invitations will be definitively condemned. We have said: only the outpouring of grace that comes of visible contact with the hierarchy will enable the Church to attain to its final specific state and grow to the fullness of the Body of Christ in this world. But this outpouring, though plenary and *universal* in its order, calls for another, altogether spiritual and effected from a distance; an outpouring whose normal purpose it will be to complete the former, but whose extraordinary purpose it will also be in a certain measure to supply for it.

Consequently, two influences from Christ are to be recognized. The first is exerted through *contact* with the hierarchy. It is perfect. It is universal both *dejure* and *defacto,* but still in a particular genus, in that way namely in which a hierarchy, a visible and social instrument of salvation, can be said to be universal, i.e. by reaching every class of men, not necessarily each man in each class, *genera singulorum, non singula generum',*[1] let us call it if you will, "collective universality". The second influence, *action from a distance,* is universal with the universality possible to a pure ray of the spirit: it enters freely into each human conscience, normally as completing, i.e., as disposing it to receive the hierarchical impulse and retain its effects; but exceptionally, when this latter is lacking, as supplying for it, and filling up in a measure what it lacks. This we may call "individual universality".

[1] cf. St. Thomas, I, q. 19, a. 6, ad 1; *Comm, super I Tim.,* cap. ii, lect. 1; St. Augustine, *Enchiridion de Fide, Spe et Caritate,* cap. ciii, 27.

4. ACTION' FROM A DISTANCE AS SUPPLEMENTARY

The divine power of Christ makes use exclusively of die contact of the hierarchy to constitute the Church in her last historical epoch, to give men the sacramental characters, the sacramental graces, and the right orientation of their thought and action. And yet the divine power of Christ is not confined to the use of visible instruments.[1] It can dispense with them. It sends into each human conscience from afar, if not the same gifts, at least the elementary grace of salvation. Of this action from a distance, in so far as it is called upon exceptionally to *supply for* action by contact, I must here say a few words.

It will always be granted till the consummation of the world. For in this world there will always be men who, by no fault of their own, will live in ignorance or misconception of the hierarchy. They will not receive the graces that make them full members of the Church; yet none of them will be deprived, save by his own fault, of the grace of salvation.

If they refuse this grace, they condemn themselves. If they are docile to it to the point of living in love, they are Christ's sheep. They are not yet visibly united to the flock that Peter has to feed. They are sheep still scattered, souls still in exile.

But the grace that comes to their souls is, in itself, a grace bearing them towards the Church. It orientates all men secredy towards the one flock of Christ? It does not always succeed in bringing them in effectively. Many, by no fault of their own, may die without reaching the end of their journey. They are not yet, but nevertheless they can be, of the Church. They are not yet of her in any stable or definitive way, but they can be so in a precarious and provisional way; they are not yet wholly members in achieved act, *re,* but they can be so incompletely, in virtual act, *vota-,* they are not yet qualified to receive the efficient causal influence of the hierarchic powers, but they can be already *en route*—perhaps without knowing it, perhaps superficially against the grain—towards regions illuminated and fecundated by the hierarchical powers. So that in a sense there is really only one flock upon earth already, gathered together by Christ and for Christ, and entrusted by Christ to Peter—a flock to which many faithful belong consciously, openly, visibly, and many other faithful unconsciously, secredy and invisibly.

[1] " Licet autem effectus dependeat a prima causa, causa tamen supercxcedit effectum, nec dependet ab effectu. Et ideo praeter baptismum aquae potest aliquis consequi sacramenti effectum ex passione Christi . . ." (St. Thomas, III, q. 66, a. 11). '* Deus . . . cujus potentia sacramentis visibilibus non alligatur " (ibid., q. 68, a. 2).

[1] " 'And other sheep 1 have that are not of this fold; them also I must bring, and they shall hear my voice; and there shall be one fold and one shepherd' (John x. 16). The sheep in Israel, leaving their ancient fold, will join with the Gentile sheep and there will be but one flock and one shepherd. In St. John's text the word ' bring ' docs not mean * take them to the fold ' (/rr-*duccre, adducere)*, but ' lead them like a flock.' The essential thing in the parable is not ' to be in the fold ' but * to be led by' the true Shepherd ' " (M.-J. Lagrange, O.P., *Écangile selon Saint Jean,* 1925, p. 281). Literally, then, it is not a question of a single*fold,* but of a single*flock.* All the sheep that are led by the true Shepherd tend to make up a single flock; and that is what matters.

4. THE FUTURE REGIME OF THE CHURCH

The visible mission of the Word, on the day of the Incarnation, gave the Church Christ for Head; the visible mission of the Spirit on the day of Pentecost gave her the faithful for body; with these missions, the Church entered on her definitive economy. What was inaugurated at that time—which the Apostles insistently called "the last days" (Hcb. i. 2) and "the last times" (1 Peter i. 20)—was destined to endure for eternity. For indeed all the riches that God had reserved for us in His heart since the beginning of the world were then really given us. In this world we possess them only under veils and in a nature still gravely injured by sin. But later, when all veils are tom away, we shall possess them fully and openly, in a nature glorified and transfigured. Thus, even in the definitive economy of the Church, we have to distinguish two successive regimes: the regime of earth and the regime of heaven.

The beatifying vision and love of the angels and of the elect plunge them directly and *immediately* into the very Godhead Itself. The strength by which they know God as He knows Himself and love Him as He loves Himself still comes to them *mediately,* by way of the human nature of Christ, the eternal King of men and angels; but in heaven, with all our weaknesses healed,[1] the difference between action by contact and action from a distance is of no great importance. The one will penetrate us with the same case and the same connaturality as the other.

The visible hierarchy will not then be needed any more. Its whole purpose was to continue that sensible contact by which Christ touched our wounds to heal them. That is why the Fathers and Doctors of the Church were so fond of presenting the mediation of the hierarchy in the light of a remedy. It had no *raison d'être* in the state of original justice.[2] It will have less still in the state of glorified nature: "When the consummation is come the use of sacraments will cease; for the blessed in celestial glory have no longer any need of the sacramental remedy. They endlessly rejoice in the presence of God, contemplating His glory face to face and, transformed from brightness to brightness in the abyss of Deity, they taste the Word of God made flesh as He was in the beginning and will be for ever."[3]

[1] Even in a state of *pure* nature, and so abstracting from any injuries resulting from sin, action by contact would be better than action at a distance. For, as St. Thomas remarks (III, q. 6t, a. 1), it is consonant with human nature to avail itself of corporeal and sensible things to attain to the spiritual and the intelligible. But the state of pure nature has never existed. On the other hand there is no longer any special privilege attached to action by contact cither in the state of innocence or the state of glory. In fact, therefore, it keeps this special privilege only for the state of nature injured and healed.

[2] St. Thomas, who made so profound an analysis of the state of original justice, went so far as to think that man had then no need of sacraments " not only inasmuch as their end is to provide a remedy for sin, but also inasmuch as their end is to perfect the soul " (III, q. Gt, a. 2).

[3] *De Imitatione Christi,* lib. IV, cap. 2.

Chapter II

THE APOSTOLIC HIERARCHY

I. THE FUNCTION OF THE APOSTOLIC HIERARCHY

From the beginning of the Christian revelation to the present day the Church appears as suspended from God by the visible chain of a hierarchy. This is a mystery that at once raises certain questions.

i. THE CHAIS OF APOSTOLICIT1'

As the Father hath sent me I also send you . . .” (John xx. 21). “Whatsoever you shall bind upon earth shall be bound also in heaven . . .” (Matt, xviii. 18). “All power is given me in heaven and in earth. Going therefore teach ye all nations, baptizing them . . . teaching them to observe all things whatsoever I have commanded you: and behold I am with you all days, even to the consummation of the world ” (Matt, xxviii. 18-20).

The Father, Christ, the apostolic body composed of Peter and the other Apostles, the people—these are the Enks of a chain proclaimed by the whole Gospel.1 An impulse of extraordinary power began, at the opening of our era, to work for the salvation of men ; it comes down to them by steps, passing first into Christ (now hidden from us by the luminous cloud of the Ascension), then from Christ into the apostolic body2 which is to endure till the end of the world, to teach and baptize all peoples. This extraordinary energy issuing from God, made manifest in Christ, continues operative in the apostolic body (for though its members, as individuals, are constantly replaced, it subsists like a unique living thing from generation to generation). It may be called the virtue of apostolicity, and is the proper cause of the Church, as fire is the proper cause of heat. It is always in act, forming in this world what St. Paul calls the Body of Christ. The Church, in the proper sense of that word, can come to birth and flourish only where the Blessed Trinity, through Our Lord and through the apostolic body, touches our

1 This is the chain of causes in *actual present dependence.* But die apostolic body will also renew itself from generation to generation, and this wall be the chain of *sequence* in time, or of the apostolic *succession.*

1 On Jesus' w ords to the seventy-tw o disciples returning from their mission, “ I saw Satan falling from tycaven like lightning,” Père Lagrange, O.P., notes: “ Nothing more forcibly expresses Jesus' intention to carry out His redemptive work through those whom He invested with His authority. The Church, along with her hierarchy, rests on this intention.” *Évangile selon saint Lucy* Paris 1921, p. 3θ2.

earth; that, presumably, is what we mean when we call her apostolic.1 The religion of the Gospel in not egalitarian but apostolic; it is not a religion without intermediaries, but hierarchic.

2. *WHY A HIERARCHY?*

Here certainly is a great mystery. God could be the sole Actor if He wished. He was under no necessity to mingle human nature, always circumscribed, almost always sinful, with the work of the sanctification of the world. He fully foresaw that in having recourse to the ministry of men He would be only too often ill-served, and would provide some with arguments against His goodness. "What!" said Rousseau. "Always these human witnesses, always men who report what other men have reported, always men between God and myself!"2 And indeed it is true that between God and myself I encounter human nature at every turn, first that of Christ sent by the Father, and then that of the Apostles and their successors sent by Christ.3 Why?

I. The first answer derives from a general principle which would apply, proportionately, to every form of divine government, whether of the world of nature or the world of grace. Though the very least beings in the universe arc directly present to Him, God has chosen nevertheless to rule them by a chain of created intermediaries; below the First Cause there are genuine

1 Because its proper cause is a hierarchy invested for all time with the power conferred on the Apostles by' Christ, die Church is called apostolic. Apostolicity, thus considered, marks the dependence of the Church as found in *all* the faithful, of the Church believing and loving, on its divine causes. Apostolicity belongs to her *ratione causalitatis, secundum paseitatem quarti modi.*

1 Profession de foi du vicaire savoyard.

1 To deny the mediation of the apostolic body without denying that of Christ, violates the organic order of salvation none the less. To invoke the text of St. Paul: " There is one God: and one Mediator of God and men, the man Christ Jesus, who gave himself a redemption for all " (t Tim. ii, 5), merely complicates the error with a textual misreading.

The second chapter of this Epistle to Timothy opens with a discourse on prayer. St. Paul first indicates its forms: " I desire therefore first of all that supplications, prayers, intercessions and thanksgivings be made . . (v. 1); then its beneficiaries: " for all men, for kings, for all that are in high station that we may lead a quiet and pcacable life in all piety and chastity" (w. 1–2); and then its motives, which are drawn cither from its very nature: " For this is good " (v. 3); or from God's desire for the same: " and acceptable in the sight of God our Saviour, who will have all men to be saved, and to come to the knowledge of the truth " (w. 3-4).

St. Paul establishes that God walls the salvation of all men, Jews and Gentiles alike, by three considerations. The first is drawn from the fact that God is God over all, over Jew and Gentile together: " There is one God " (v. 5: cf. Rom. iii, 29). The second is drawn from the universality of Christ's mediation: " and one mediator of God and men, the man Christ Jesus, who gave himself a redemption for all " (w. 5-6). The third is taken from the mediation of Paul himself, by whom Christ's redemption is brought to the Gentiles: " Whereto I jm appointed a preacher and an aposde (1 say the truth, I lie not), a doctor of the gentiles in faith and truth " (w. G–7).

This text, correctly analysed, proves therefore once more that salvation rpmes down by successive steps: God, then the human nature of Christ, then Paul, then the QçntÜe pçoplcs. Paul knows that death is near (2 Tim. iv. 6j ; he has laid his hands upon Timothy (2 Tim» i» 5), who is to keep safe what has been entrusted to him (j Tim. vi, 20), and to pass it on to trustworthy jmen fit to teach others also (2 Tim. ii. 2), on whom in turn he is to impose hands (1 Tim. v. 22),

The Epistles to Timothy and Titus tell so strongly in favour of the apostolic hierarchy that liberal* JProtatantism has been driven to deny their authenticity.

secondary causes. God has chosen to endow creatures not only with being and the perfection by which they exist, but also with causative virtue and the perfection by which they act.[1] Thus lower things are ruled by higher and these again by higher still. Order is always bom of subordination. On the plane of nature children depend on parents, families depend on political governments, whose form is doubtless optional but whose existence is indispensable. This same general principle holds on the plane of grace: "For all things are yours, whether it be Paul, or Apollo, or Cephas,[2] or the world, or life, or death, or tilings present or things to come; for all are yours, and you are Christ's, and Christ is God's" (i Cor. iii. 21-23).

From this standpoint one of the highest ends of the hierarchy is to provoke the exercise of charity. This is the truth that God showed St. Catherine of Siena: "I could easily have created men possessed of all that they should need both for body and soul, but I chose that they should have need of each other, and should be my ministers to administer the graces and gifts that they have received from me. Whether a man wall or no he cannot help making an act of love. It is true however that that act, unless made through love of me, profits him nothing as far as grace is concerned. See then that I have made men my ministers, and placed them in diverse stations and various ranks, in order that they may make use of the virtue of love. Wherefore, I show you that in my house are many mansions, and that I wish for no other thing than love."[3] There is light enough in those few lines of the dyer's daughter to dissipate all the paradoxes of the Savoyard Vicar.

2. So much for the general principle of hierarchy in relation to all created things. For the Church we can, as we have seen, explain the need for a hierarchy in a more precise and immediate way. God became incarnate and entered into sense contact with men; but Christ, after some years on earth, ascended to the right hand of the Father in heaven; how was that sensible contact, effected of old between Him and ourselves, to continue? Christ, about to quit the world, left behind Him a visible hierarchy which thenceforth He was to use as an instrument for establishing contact with us.

5. *THE WORK OF THE DISCIPLES MORE WONDERFUL, IN A WAT, THAN THAT OF JESUS*

It is easy to see that Jesus' most pressing care, after founding the Kingdom of God, was not to set about expanding it Himself, but to form those who would work for its expansion. As death approached He set His face towards Jerusalem and seemed little by little to concentrate His attention first on the Apostles, then on three of them, and then on the foremost of these three.

? Cf. St. Thomas, I, q. 103, a. 6: " Utrum omnia immediate gubernentur a Deo."

1 If authority is a service, then Paul who planted, Apollo who watered, and Cephas arc all in a sense the servants of the Corinthians: " For we preach not ourselves, but Jesus Christ our Lord: and ourselves your servants through Jesus " (2 Cor. iv. 5).

' *The Dialogue of St. Catherine of Siena,* trans. A. Thorold, London, 1925, p. 16.

It was to be their task in return, when they were confirmed, to be His witnesses "in Jerusalem and in all Judea and Samaria, and even to the uttermost part of the earth" (Acts i. 8). The book of the Acts is the history of this conquest of the world by the Apostles under the action of the Holy Spirit. Though the Magi came to His cradle, Jesus was later to declare that He Himself was sent only to the lost sheep of the house of Israel (Matt. xv. 24); so that it was for Peter, after the vision at Joppa, to open the gates of the Church to the Gentiles (Acts x), and for Paul to make them aware of the mystery of their aggregation to Christ (Eph. iii. 6). Thus the Apostles were to do greater things externally than Jesus; but they did them in virtue of His continuing assistance. "He that believeth in me, the works that I do he also shall do, and greater than these shall he do: because I go to the Father" (John xiv. 12). Never perhaps has the rôle of the intermediaries in the religion of Jesus been more highly exalted than in this text.1 It was to be through them that Jesus would conquer the world: "I have sent you to reap that in which you did not labour: others have laboured, and you have entered into their labours" (John iv. 38).

4. RESPONSIBILITIES OF THE HIERARCHY

"I have glorified thee on the earth: I have finished the work which thou gavest me to do" (John xvii. 4). What priest on his death-bed, calling to memory these words of Jesus to His Father for the last time, would dare to repeat them without feeling judged by them and indeed without feeling shaken to the depths of his soul by the vision of the evil occasioned by the negligences and errors of his life?

He knows, to be sure, that God, by secret and unlooked-for illuminations, offers every' soul His love, and that none of the lost xviH complain at the day of judgment that their fate is no fault of their own. But he knows also that if he had imitated the Curé of Ars, even very inadequately, a flood of grace would have been poured out over souls on his account and would have sanctified them by thousands. The thought could become so oppressive that only a special mercy would save him from despair.

And, given that the body of the faithful as a whole, in so far as it puts the gifts it has received into act, is the cause of the life and radiance of the Church, every' Catholic conscious of the mission which has lain upon him since Baptism and Confirmation, might well feel the like anguish. St.

1 The "greater works" here in question are not merely miracles, but the diffusion of Christianity throughout the world. Though he was too hostile to the supernatural to accept the Fourth Gospel, Loisy at least saw the meaning of this passage very clearly. "The birth, development, and entire life of the Church arc here presented," he says, "as something to follow the Gospel and surpass it. Fundamentally, these arc not distinct works and it will always be Christ who acts; while He lived with His disciples His activity was limited by die physical conditions and the providential necessities of His rôle with regard to the Jews. It will no longer be so when He has entered into His glory, and diat is why the work of His disciples was to be more marvellous dian His own (Zz *Quatrième Évangile,* 1903, P· 749)·

Catherine of Siena, Iamb without spot, broken by unheard-of penances, accused herself with tears, while she lay dying, of all the disorders which then disfigured Christendom.

And with reason; for it is natural that the faith, which involves acceptance of Christ's words on the mediation of weak men and thus lays unlimited responsibilities upon us, should thereby also give us a glimpse of the incalculable and disquieting consequences of a single one of our shortcomings.

5. *THE HIERARCHY AS MYSTERY AND AS MIRACLE*

When the divine virtue passed through the human nature of Christ to bring grace and truth to the sinners among whom He lived, then, although it remained essentially mysterious, it embodied itself in space and time, and became in a measure manifest, on account of the visible means it borrowed. Thus too, the same mysterious virtue by which to-day the Church is formed in the world, having come from its source in the Trinity and passed through the human nature of Our Lord now glorified and ascended to heaven, continues, by passing through the hierarchy, to incarnate itself in space and time and to make itself in a measure visible, by reason of the means whereby it enters into sensible contact with us. It is thus invisible and mysterious in its inner depths, but visible and evident up to a point in virtue of the sensible vesture with which it clothes itself in order to reach us.

We need no faith to perceive the sacramental signs and the jurisdictional organization of the Church. Faith will be needed, however, to recognize that these signs and this organization are the envelope of a hidden, divine and cver-active virtue, without which the very being and existence of the Church would soon founder into nothingness. That is the mystery we confess when we say, in the words of the Nicaco-Constantinopolitan Creed: "I believe in the apostolic Church." We believe—it is a truth of faith revealed in Scripture—that a supernatural virtue penetrates the hierarchy, the apostolic body, for the forming of the Body of Christ in the world.

Yet, however mysterious in itself, the divine virtue that forms and maintains the Church is revealed, inadequately no doubt, in one of its effects: the marvellous permanence of the Church. To anyone who is alive to the impermanence and fragility of all known societies, the uninterrupted substantial continuity of the Church, in the midst of the revolutions of the Western world, must surely seem a sociological fact for which no natural explanation will suffice. The permanence of the Church under one same hierarchy is not a mystery to be seen only by the eye of faith; it is a fact verifiable in history; and its miraculous character bears witness to the divine origin of the Church. In this sense Bossuet could write: "Besides the advantage which the Church of Jesus Christ alone possesses in being founded on miraculous and divine facts openly proclaimed without fear of contradiction at the very time when they happened, here, for those who live in later times,

we have a permanent miracle confirming the truth of all the others: the persistence of a religion consistently victorious over all the errors that attempt to destroy it."[1]

The hierarchy is *mysterious* and, as such, an object of faith, in so far as it is a dispenser of divine grace and truth, and in so far as it is the instrumental cause of the Body of Christ which is the Church. But it is also *miraculous,* and, as such, observable, inasmuch as in the turmoil and confusion of the world it communicates a constancy, a persistence, to all that we can see of the Church—a constancy of doctrine and of practice which the laws that preside over the evolution of human societies cannot sufficiently explain.

II. THE TWO POWERS OF THE APOSTOLIC HIERARCHY

The apostolic hierarchy divides into two great powers, the power of order and the power of jurisdiction. We must examine the basis of this division, and the nature of both powers.

r. THE BASIS OF THE DIVISION OF THE TWO HIERARCHIC POWERS

Christ is "the head of the body, the Church" (Col. i. 18). God has made Him "head over all the Church, which is his body" (Eph. i. 22-23). "Christ is the head of the Church, the Saviour of his body" (Eph. v. 23). In this comparison of head and body St. Paul indicates the whole mystery of the action of Christ on His Church.

The Word takes flesh and becomes the Head of the Church. He acts on her in two ways. First, by a hidden influx from within, He communicates the life of grace. And again He teaches her, from without, by words that reach the mind through the ear, the ways of truth. Thus, by a two-fold contact, the one, more mysterious, pouring out grace, the other, more external, showing her the truth, Christ saves the Church which is His Body. That is why He appeared to the Aposdes "full of grace and truth" (John i. 14); Moses had brought only the Law, but "by Jesus Christ", by contact with Him, "came grace and truth" (John i. 17). He is Priest, full of grace, and King, full of truth.

Now the Lord Jesus, says St. Mark (xvi. 19), "was taken up into heaven, and sitteth on the right hand of God"; He is, says St. Matthew (xxvi. 64), "sitting on the right hand of die power of God"; Stephen saw Him "standing on the right hand of God" (Acts vii. 55). He is thus associated with the divine omnipotence in the work of directing and sustaining His Church. How then does He sustain, and how direct her?

He willed *to form* her by the double contact of His sanedfying influx and His living teaching. Does it then follow that in order to *conserve* her He will act on her only from a distance? He willed first to be united to her as head

[1] *Discours sur Fhistoire universelle,* pt. II, ch. xxx,

to body: must we believe that on the day of the Ascension the Head was, as it were, taken from the Body?

No. The glorified Christ who is in heaven remains closely united to the crucified body of His Church. He touches it, no longer through the contact of His own proper Person, save in the Eucharist, but through the persons of the hierarchy who have given themselves to be used by Him: for by this, explains the Apostle, we cleave to "the head, from which the whole body, by joints and bands, being supplied with nourishment and compacted, groweth unto the increase of God" (Col. ii. 19). If He has Himself appointed "some apostles, and some prophets, and other some evangelists, and other some pastors and doctors", it is "for the perfecting of the saints, for the work of the ministry, for the edifying of the body of Christ: until we all meet into the unity of faith, and of the knowledge of the Son of God, unto a perfect man, unto the measure of the age of the fullness of Christ", and so that "doing the truth in charity we may in all things grow up in him who is the head, even Christ: from whom the whole body, being compacted and fidy joined together, by what everyr joint supplieth, according to the operation in the measure of every part, maketh increase of the body unto the edifying of itself in charity" (Eph. iv. 11–16).

From the twofold action of Christ comes the distinction of the two great hierarchic powers. The power of serving as instrument of Christ the Priest to perpetuate the redemptive sacrifice in the Mass and to communicate the fullness of Christian grace through the sacraments—this is the power of order.[1] And the power of serving as instrument of Christ the King, so as to continue under His action to preach the fullness of Christian truth to the world—this is the power of jurisdiction, the pastoral power,[2] the authority to teach what is to be believed and what done.

The end of the power of order is to convey to all ages in a hidden manner the drama of the Redemption and its fruits. The end of the power of jurisdiction, understood here in the broadest sense as covering both the extraordinary authority of the Apostles and the regular authority of their successors, is to prolong Christ's witness to the truth by openly proclaiming to all ages the whole plenitude of Christian truth, both speculative and practical.

The power of order which bestows grace and justifies from sin, opens heaven directly, *se extendit ad ipsum coelum immediate, directe,* as St. Thomas says? The power of jurisdiction points the way to heaven: it enabled the

[1] The sacramentj by which Christ still makes contact with us, if they are to be validly conferred, presuppose in the minister a spiritual power connecting him with Christ the sovereign Priest. This is the sacramental power, the sacramental character. (There is no exception save in the case of Baptism.) Marriage apart, which requires in die spouses only the baptismal character common to all Christians, the sacramental power required for validly conferring the other sacraments is the power of order, which is a reserved power, a *hierarchic* power.

[2] The term "pastor" can designate either one who/«dr *and leads* the flock, or one who simply *takes* the flock to the pasturage. Hence the pastoral power can be understood in two ways. In a broad sense it designates both the power of *orda* and the power of *jurisdiction*; in a restricted sense, as we take it here, the power of *jurisdiction* alone.

* *Suppl.,* q. 19, a. 3.

Apostles to reveal new truths, it enables the Pope to determine the object of faith, to assemble a General Council,[1] to regulate the legitimate use of the power of order, to absolve, excommunicate, grant indulgences,[1] and to control all things in the Church militant.[3]

2. *THEIR RESPECTIVE CHARACTERS*

The power of order and that of jurisdiction differ not only in their purpose, but in their nature, and in the mode of their transmission.

I. The two powers differ in nature. The power of order is a participation of the *priesthood* of Christ. The sacramental characters, says St. Thomas, " are nothing else than certain participations of Christ's priesthood, flowing from Christ Himself".[1] The power of jurisdiction is a participation of Christ's *kingship:* Christ being Head of the Church in a sovereign manner and in virtue of His own proper authority, the others being heads in a dependent manner and as delegated by Christ.[5]

The end of Christ's priesthood is to pour into souls the very virtue of the Redemption. The created intermediaries are unable to produce so divine an effect save as simple instruments. The sacramental power is therefore a *purely instrumental*[6] ministerial power. Hence it is infallible, not of course on account of its own proper virtue, but because it transmits the virtue of a Principal Agent.[7] But the end of Christ's kingship is the outward proclamation of the full divine revelation, so that the created intermediaries can here play a freer part. The power of jurisdiction is still ministerial; but it can be said to act more in the manner of a *secondary cause·,* and it will not be infallible save in so far as it is divinely aided.

The power of order, which exists to bring the redemptive virtue to souls, is a *physical* spiritual participation of the spiritual power of Christ the Priest. For if "the instrument must be proportioned to the agent"[8] there will have to be a proportion, a conformity between those who act as the habitual instruments of redemption and Christ, who is its source. Hence the power of order. Like every sacramental character, the power of order is a physical spiritual power and hence indelible? It can persist, and can even be transmitted, in schism and heresy.[10] The power of jurisdiction, which exists for

1 II-II, q. I, a. IO.
' II-II, q. 39, a. 3.
'*Suppl.,* q. 19, a. 3.
4 III, q. 63, a. 3.
6 " Vicem gerunt Christi " (III, q. 8, a. 6).
* III, q. 63, a. 2.
7 III, q. 64, a. 5.
8 " Minister . . . comparatur ad dominum sicut instrumentum ad principale agens . . . Oportet autem instrumentum esse proportionatum agenti. Unde et ministros Christi oportet esse ei conformes . . . Oportet igitur ministras Christi homines esse et aliquid divinitatis ejus participare secundum aliquam spiritualem potestatem . . . Haec spiritualis potestas a Christo in ministros Ecclesiae derivatur" (St. Thomas, *IV Contra Gmtrs,* cap. Ixxiv).
' HI, q- 63. a. 5.
10 II-II, q. 39, a. 3.

the external preaching of Christian truth, speculative and practical, is a *moral* authority, mission and power; it is kept on the line of truth and preserved from error by providential aid involving various prophetic graces ranging from oral and scriptural inspiration, the privilege of the Apostles, to the graces of assistance given to their successors. It is lost as soon as the subject leaves the Church. Apostolic authority, but not the power of order, was lost to Judas. No regular jurisdiction can of itself continue under conditions of heresy and schism.[1]

2. The two powers differ in the mode of their transmission. The sacramental power, being physical, wall be normally conferred by way of consecration, *per consecrationem* (consecration received from Baptism, Confirmation, Holy Orders). The power of jurisdiction, being moral, wall be normally conferred by way of designation, of commission, of mandate, *ex simplici injunctione.*[2]

3. THEIR MUTUAL DEPENDENCE

The two powers of order and jurisdiction are really distinct. But they are not independent of each other.

One of the functions of the power ofjurisdiction is to determine the conditions under which the power of order is to be exercised. In this respect, it is the power of order that depends on that ofjurisdiction. It docs so always for its *legitimate* exercise. It does so even at times for its *valid* exercise: thus jurisdiction is required for the valid administration of the sacrament of Penance; thus a simple priest cannot validly confer Confirmation and the Minor Orders without delegation from the Sovereign Pontiff; thus most theologians consider that the Church can determine, *in individuo,* the valid matter and form of certain sacraments, such as those of Confirmation and Order. Moreover the most general end of the power of jurisdiction is the preservation to all ages of the full truth of the Christian revelation; and without that, the very existence of the power of order would be precarious. And the extraordinary jurisdiction of the Apostles carried with it, besides authority to reveal the divine economy of Christianity to the world, the power, not indeed of instituting, but of promulgating certain sacraments.

On the other hand the power ofjurisdiction resides in a regular and connatural manner only in the bishops, in whom is the plenitude of the power of order. In this respect it is the power of jurisdiction that depends on that of order. And if the power ofjurisdiction can in fact exist in those who lack the power of order, its ultimate and definitive subject is to be found, not in them, but in others who possess it.

Since the sovereign priesthood and the supreme kingship are inseparable in Christ who is the Head, it is to be expected that the powers ofjurisdiction and order, their two-fold derivative, should be strictly united in order to act on the Church which is His Body. They constitute, according to St. Paul's image, the system ofjoints and ligaments by which the increase of

[1] Non immobiliter adhaeret " (II–ÏI, q. 39, a. 3). [2] ibid.

charity and truth, and, in a word, the unity of one life, descends from head to body. It would be an error therefore to think of two hierarchies, one of order and the other of jurisdiction. *There is one sole hierarchy, with two distinct but interdependent powers.* It is there already with the first degrees of the power of order. It reaches completion in the bishops, in whom resides the plenitude of the power of order, and who possess permanent jurisdiction by ordinary and proper title. It is finally consummated in the Bishop of Rome, in whom alone resides permanent universal jurisdiction. The ministers of lower rank, and the priests, belong to the hierarchy, but their powers are incomplete and dependent; the two permanent powers of the hierarchy, those of order and of jurisdiction, arc fully reunited only in the body apostolic directly constituted by the Pope and the bishops.

According to the Code of Canon Law, which here summarizes the Councils of Trent and the Vatican, the permanent hierarchy "comprises in virtue of divine right, in the line of order: bishops, priests, and ministers; and, in the line of jurisdiction: a supreme pontificate and a subordinated episcopate."[1]

The hierarchic powers of the Church are often called "the Church teaching" as opposed to the "Church believing".

4. *THE CHURCH TEACHING AND THE CHURCH BELIEVING*

The hierarchy carries the two-fold power of order and of jurisdiction, and is therefore not only the "Church teaching" but also the "Church sanctifying".

i. To these terms would be opposed "the Church taught" and "the Church sanctified"; or rather, the Church believing and the Church loving. That of course is not a division of the Church into two distinct societies, or two halves of a society each with its own distinct set of members. It is a division between a power assisted by Christ to define the truth, speculative and practical, on the one hand, and all who recognize this power, not excluding the Sovereign Pontiff, the bishops and the clergy, on the other.[2] Inasmuch as they are the depositaries and the organs of the power of jurisdiction, the Pope and the bishops constitute the Church teaching; but inasmuch as they too have souls to save, minds and hearts to be dedicated to God, they are parts of the Church believing and loving. They are bound, like all other Christians, under pain of endangering their eternal salvation, to accept all utterances pertaining to the *divine law,* even when it falls to their lot to propose them solemnly to the world for the first time: thus, not to lose his faith, Pius IX had to believe, along with the rest of us, the dogmas of the Immaculate Conception and of Papal Infallibility. As to decrees resting on ecclesiastical law that they themselves have promulgated, here

[1] Can. to3, § 3.

[2] cf. R.-M. Schultes, O.P., *De Ecclesia Catholica,* 1925, p. 294: " *Ecclesia credens* dicitur collectio omnium fidelium (romani pontificis, episcoporum, clericorum et laicorum) non quidem prout sunt numerus quidam fidelium, sed in quantum Ecclesiam constituunt."

again the hierarchy are bound to conform; not, doubtless, because a ruler can bind himself *juridically* before men by his own decrees, but because he binds himself *morally* before God, who will accuse him at the Last Day of "having said and not done", with having laid heavy burdens on men's shoulders and stirred no finger to lift them (Matt, xxiii. 3-4).[1]

The division of the Church into Church teaching and sanctifying on the one hand, and Church believing and loving on the other, does not correspond to any division into active and passive. The Church teaching and sanctifying is, admittedly, active with respect to the Church believing, loving and doing; but this latter, in order to be profoundly docile to the jurisdiction that Jesus has left in the world, is by no means inert. There is nothing more alive than a faith that knows what it has to believe, than a love that knows what it ought to love and to do.[1]

2. The hierarchic powers of order and jurisdiction have for their depositaries men who, in themselves, are part of the Church believing. These powers are exterior to the Church believing as an efficient cause (ministerial) is exterior to its effect; and it is from this standpoint that we shall chiefly consider them in this first book. But under another aspect they are interior to the Church, for they reside in men who are members of the Church believing, and who share in the faith and charity common to Christians. And that suffices to bring out the profound unity of the Church teaching and the Church believing. It can be compared to the sense of sight which might be said in a way to direct our bodily motions from without, but which nevertheless belongs to the body, and verifies the same law of assimilation and transmutation as do all the other bodily organs. "A man's body is all one though it has a number of different organs ... so it is with Christ . . . And you are Christ's body, organs of it depending upon each other. God has given us different positions in the Church; apostles first, then prophets, and thirdly teachers . . ." (1 Cor. xii. 12 and 27).

Note however that properly speaking the hierarchic powers are not spontaneously generated by the life of the Church believing, as for example the

1 "The Prince is said to be exempt from the law, as to its coercive power; since, properly speaking, no man is coerced by himself, and law has no coercive power save from the authority of the Prince . . . But as to the *directif foret* of law, the Prince is subject to the law by his own will... Hence, in the judgment of God, the Prince is not exempt from the law, as to its directive force; but he should fulfil it of his own free-will and not of constraint" (St. Thomas, **I-II**, q. 96, a. 5i ad 3).

2 "It would seem the part of a Christian to be purely passive when he enters on the common life, and receives his new being immediately from the totality of believers. But in fact this passivity involves the greatest possible activity, the greatest free and personal work conceivable. The contrary opinion is based on a narrow view of personal and independent activity, one which reduces it to giving or generating, and quite overlooks our human capacity for receiving. Receiving often makes harder demands on us than giving—that is to say if it is to be a genuinely personal act . . . The personal and independent impulse that prompts us to acceptance is predominantly one of abnegation and love; and by allowing another to act on us we become active in our turn. Whoever would make of giving an activity truly his own, must first of all have leamt to receive; and it is just this which sets up and maintains relations between men. To give without having received and without ever receiving, is the prerogative of God'* (J. /V Moehler, *Dû Einfuit in der Kirdu* Tubingen 1825, pt. ii, ch. i, §49, no. 1, p. 198).

organ of sight is spontaneously generated at a definite instant in the physiological development of the embryo. The hierarchic powers themselves preside from the outset over the formation and conservation of the Church of faith and of charity. They are prior to her; not with a priority of temporal succession, but with the priority which an always active ministerial cause can have over the effect it unceasingly produces. The hierarchic power, which we have called the apostolic body, is an organic institution founded by Christ and enjoying an uninterrupted life. The individual members pass away, but the body as such docs not pass away; it is as an everlasting living thing—it will last, to be precise, as long as history. Hence there will never come a moment in the life of the Church when, having been deprived of its hierarchy, the Church believing will have to reconstitute it by a kind of extériorisation and re-achievement of itself; as the evolutive power of the embryo calls up the sense of sight from the depths of the organism.

III. THE CHURCH AS ISSUE OF THE HIERARCHY

The Church derives her most precious and most inward gifts from the hierarchy; and from the imprint which the hierarchy stamps upon her comes her created soul.[1] This latter has power to construct, animate and organize under it the whole great body of the Church.

I shall here attempt a very summary sketch of the Church as seen from this standpoint; turning to account what we already know of her and drawing by anticipation on what remains to be said.

We shall consider the following points, **i**. The power of order helps to enrich the Church with two fundamental spiritual elements: the sacramental character and sacramental grace. 2. The jurisdictional or pastoral power, whose directives arc interiorized in the hearts of Christians by faith and obedience, orientates all their activity, contemplative and practical, to divine truth. 3. The created soul of the Church is now constituted in its integrity. Under its influence the visible Church takes form—a Church outside of which is no salvation, but within which those already begin to be included who belong to it "by desire", that is to say by a genuine movement of charity. 4. The just who are still said to be "outside" the Church, although they are not yet fully within it, are on the way to be so; they are within it in virtual act. 5. Membership by desire can be concealed under quite a variety of different outward attitudes.

Finally, something will be said concerning Catholic oecumcnicism.

[1] " L'anima della Chicsa consiste in ciô chc cssa ha d'interno e spirituale, cioè la fede, la speranza, la carità, i doni della grazia e dello Spirito santo c tutti i celcsti tesori chc le sono derivati pci mcriti di Cristo Redcntore c dci santi " *(Compendio della dottrina crisliana, prescritto da SS. Pio X, allé diocesi della provincia di Roma,* Rome 1905, p. 119). "By the *soul of the Church* is meant the invisible principle of the spiritual and supernatural life of the Church, that is to say the perpetual assistance of the Holy Spirit, the principle of authority and internal obedience to superiors, habitual grace with the infused virtues, etc." (Cardinal Gaspard, *Catholic Catechism,* London 1932, p. 99).

THE CHURCH OF THE WORD INCARNATE

i. THE POWER OF ORDER'S HELP IN FORMING THE CHURCH: SACRAMENTAL CHARACTER AND SACRAMENTAL GRACE

The power of order enables those who possess it to act as instrumental causes in the transmission of the sacramental power (or the sacramental character) and of sacramental grace.

i : The sacramental character. In this respect the Church distinguishes her children according as they are laymen or in Holy Orders.

The laity, as the name indicates (/dor=pcople) are the Christian people. They too are already consecrated. It is the modem world, not the Church, that opposes the terms ‘‘laic” and “consecrated”.1 The non-consccrated consist, in reality, of the catechumens and, more generally, all the unbaptized whether in good or bad faith. As to the laity, the consecrations effected by Baptism and Confirmation give them a certain participation of the sacerdotal power of Christ. They are members qualified to offer liturgically, along with the priest, the sacrifice of the New Law, to be ministers of the sacrament of their own marriages, and to receive the other sacraments from the hands of the priest.

Those who receive the sacrament of Order participate in a third consecration thanks to which the sacrifice and sacrament of the Eucharist arc perpetuated in the world, and thanks to which the two-fold lay consecration attains to its full exercise and full significance.

The consecrations bestowed by Baptism, Confirmation and Holy Orders are spiritual and supernatural powers.2 They are supernatural, not simply in the mode of their production, like miracles, but also in themselves. They bring us participation in what is most inward and hidden in the omnipotence of the Deity.3 In this sense, their spirituality is even more precious than that of the angels if we consider them simply in their nature. The saints understand the grandeur of the sacramental characters and have even caught miraculous glimpses of it—notably that of order. What we know only by faith, became on occasion actually visible to them. St. Philip Neri guessed that a certain youth of sixteen or seventeen in layman’s clothing had been secretly ordained priest, saying “ that he had seen a great splendour on the forehead of this young man which could be only the sacerdotal character imprinted on his soul.”4 It has been granted to other saints ‘‘habitually to perceive the sacerdotal character in the souls of priests. It

1 Note in passing that when clergy and laity arc opposed in Canon Law, the clergy include not only the ordained but also the tonsured; in spite of the fact that the tonsure is not an Order but a preparation for Orders.

2 Supernatural accidens impressum animae” says Cajetan; and again: “ Supernatural potentiae " *(In III,* q. 63, a. 2. no. X).

3 John-of St. Thomas writes: “ Gratia zutem, aut f.dcs, aut character, non solum sunt quid supematurale quia*productio* eorum superat totam vim na.urae, sed quia in *seipsis* entitative superant omnem naturam, quia in se sunt participationes univocae et supematurales Dei ” *(In III,* q. 63, disp. 25, a. 2, no. 57, vol. IX, p. 336).

4 L. Ponnellc and L. Bordet, *Saini Philip Stri and the Roman Society of his Time,* tr. R. F. Ken- London 1932, p. 151.

appeared to them as no merely superadded and separable exterior ornament, but as an intimate constituent of the very substance of the soul, in the manner of sanctifying grace, transforming it and making it a participant of the eternal priesthood of Christ, of His dignity and powers." The consecrated hands of priests meant far more to them than hands marked with the stigmata.

The invisible consecration conferred by the sacraments, the sacramental character, is thus an essential element of the Church, a spiritual component of the Church. It belongs to the created soul of the Church.

2: Sacramental grace. The power of order furthermore enables those who have it to act, whether by exclusive or normal title, as instrumental causes in the transmission of grace.[1] Now the sacraments confer grace not simply in its simple and naked substance—as it is found in the catechumen, in the "savage", in the unbaptized in good faith whom God justifies in secret—but also, up to a point, with those full and perfect modalities that it had in the soul of Our Lord. This is because Jesus chose the sacraments as the means for conveying grace from His heart to ours, so that it comes through these channels in its integrity and vigour and delicacy, under the immediate influence of His sacred humanity.[2] The words "immediate influence" need comment. We have here not what the ancients called the immediacy "of the suppositum", for the whole sacrament with its rite and minister is interposed between Christ and the recipient, but what they called a "virtual immediacy", since the *whole* virtue of the sacrament is due, not to the sacrament itself, but solely to Christ. Thus the grace that comes by the sacraments is rich in formalities denied to grace that is given without them. It is rather like the light of the sun and the light of the moon—they are of the same species, says John of St. Thomas, but the former is charged with more virtualities. So also grace is of the same species in one who receives the sacraments in fact (r«) and in one who receives them only in desire (po/o); but in the first case, though it might be less intense, it would of necessity be in some ways more complete. We must distinguish between the sanctifying grace needful for the salvation of all men without exception, and the sacramental grace which gives sanctifying grace its freest and fullest development, enabling it to take on those characteristics that it had in Christ, and thus to form in space and time the lineaments of His Mystical Body, that is to say of His Church. Thus it is within that one sole religious

[1] Except in the case of Matrimony, in which the baptized spouses administer grace to each other. As to Baptism, if it is private it can be conferred by anyone; but if it is solemn the ordinary minister is the priest.

[2] "The sacraments arc channels by winch so to speak God comes down to us" (St. Francis de Sales, *Les vrays entretiens spirituels,* Annecy 1895, vol. VI, p. 337). The "channel" image successfully conveys that the sacraments of the New Law really contain grace. It is however imperfect because grace is contained therein only "secundum quamdam instrumentaient virtutem, quae est fluens et incompleta in esse naturae whereas in a channel the water is there in its own proper being. The beauty of a drawing passes wholly through the pencil, but it exists in the pencil in a state of becoming and is realized only on the paper. So grace, which is in a state of becoming in the sacrament, is realized only in the soul.

society, brought forth, formed and fed by the sacraments, that the fullness of Christ is represented, and the Body of Christ is unmutilatcd. In those who, like the catechumens and the "good savage", receive the sacraments only in desire, and not in fact, grace lacks a certain special modality.[1] They arc like wanderers searching for their own country, sheep already won for Christ but not yet numbered with the flock.

Thus among the spiritual components of the Church, we must count not only the sacramental character but sacramental grace. So that this too belongs to the created soul of the Church.

2. *THE RÔLE OF THE JURISDICTIONAL OR PASTORAL PO WER*

Sacramental grace, which can be given in its fullness only by aid of the power of order, is the very substance of the Christian life. It is to be the principle of all its ulterior developments. For supernatural life cannot remain always dormant, as in the soul of a baptized child. It is destined to awaken and to become active. One cannot conceive of faith thinking of nothing, hope expecting nothing, charity losing nothing—or, for that matter, as thinking of, hoping for, or loving anything and everything indifferently. This would be spiritual death. Life demands to develop, to pass from the indeterminate to the determinate, from power to act; by its very nature it must choose. And if the life in question is supernatural and divine, its choices, if nothing untoward occurs, will be likewise supernatural and divine. It needs to know with divine and supernatural certitude what is to be believed or not believed, what is to be hoped for or not hoped for, what loved or not loved, what done or not done. The God who created it will not leave it without speculative and practical directions which it will be its business to follow. It postulates them, feels after them, and often anticipates them. The power of order, by which God normally awakens supernatural life in the soul, corresponds to the power of jurisdiction by which He normally shows it the way it should go.[2] So that even sacramental grace, when deprived of the guidance that comes from jurisdiction, lives an attenuated and constantly threatened life, only too likely to atrophy. Thus both powers

[1] John of St. Thomas, III, q. 62, disp. 24, a. 2, vol. IX, p. 283. All theologians accept two things as certain: first, that each sacrament conveys its own proper and particular grace; and secondly, that the grace proper to each sacrament is not simply a more or less intense degree of habitual sanctifying grace, but adds something to this latter. If this were not so the multiplicity' of sacraments would have no raûon *d'etre.* A third point is still disputed: whether sacramental grace is an aid that is simply momentary (Cajetan) or permanent (John of St. Thomas). The conclusions we draw from the doctrine of sacramental grace in relation to the soul of the Church would remain valid even for those who consider with Cajetan that sacramental grace is not an *habitual modality* of sanctifying grace, but only a divine aid in the form of simple *transitory impulsions,*

[2] The expression "jurisdictional power"* is here taken in its full traditional significance. It designates the power to pronounce with divine authority in speculative and practical matters. The Church exerts it in two ways—by transmitting divine revelation or by promulgating the decisions of ecclesiastical law. Schcebcn, referring to the passage where Jesus entrusts His lambs and His sheep to Peter, suggests the term " pastoral power " *{IIπtongavall) {Du Mystoriai dts Christonturns,* 1865, no. 80, p. 529). This term may be accepted. We have already noted however that taken in a broad sense the pastoral power comprises both powers—of order and of jurisdiction.

arc needed, the one to give sanctifying grace the fullness of its being and vigour, the other to direct and specify it. Thus and thus only can grace, conjointly with the sacramental character, form the created soul of the Church, the unifying form that holds the Church together in the bonds of truth and of love, and stamps her with the stamp of Him whose faithful and abiding image, in every place and time, it is her destiny to be.

Thus we must include among the spiritual elements which go to make up the *Ecclesia credens,* the right orientation which the jurisdictional power communicates to the divine potencies and virtues—given of course that this orientation is freely accepted by the faith and obedience of the faithful, i.e. assimilated by them and intcriorized within them. The sacramental character, sacramental grace, the jurisdictional orientation duly interiorized —there we have the three spiritual components of the created soul of the Church.

3. THE MEANING OF THE MAXIM 'OUTSIDE THE CHURCH NO SALVATION"

It is at the precise point at which God, by the two-fold power of the apostolic hierarchy, makes contact with men that we must look for the created soul of the Church, and then go on to study the body it animates. For the created soul and the body of the Church are, of themselves, co-extensive—in other words, the created soul does not extend beyond its body, nor the body beyond its soul. "The faithful" wrote St. Augustine, "must become the Body of Christ if they would live by the Spirit of Christ. Understand, my brothers, what I have said. You are a man, you have a spirit and you have a body. A spirit, I say, called the soul, by which it appears that you are man, because composed of soul and body. You have then an invisible spirit and a visible body. Tell me now, which of these two lives by the other—is it your spirit that lives by your body, or your body by your spirit? Every bring man will know how to reply, and if anyone cannot reply I know not whether he lives. And what does every living man reply? That it is the body, of course, that lives by the spirit. Would you then, for your part, live by the Spirit of Christ? Then be in the Body of Christ. Docs my body live by your spirit? Mine lives by my spirit, and yours by yours. The Body of Christ cannot live at all, if not by the Spirit of Christ." He adds a little further on: "It is the Spuat that quickens, for it is the spirit that makes the members live. It gives life to those members only whom it finds in the body it quickens. The spirit that is in you, O man, and by which you are a man—does it then quicken any member that has been separated from your flesh? Your spirit is what I call your soul, and your soul quickens only those members that are in your body; if you cut off any one of them it soon ceases to be quickened by your soul, since it has no longer any share in the unity of your body. I say these tilings that you should learn to love unity and fear separation. The Christian should fear nothing so much as separation from the Body of Christ. Once he is separated he is no longer a

member of Christ; and if he is not a member of Christ he is no longer quickened by the Spirit of Christ. *For,* say's the Apostle, *he who has not the Spirit of Christ, is not of Christ"*[1] The fundamental law of the coextension of the created soul and body of the Church is not contradicted by the fact that sanctifying grace may be found among the unbaptized or the non-Catholic baptized. There are two reasons for this. First of all, grace has to be sacramental and duty orientated before it contributes to the constitution of the perfect soul of the Church; and secondly, although the soul of the Church is only prefigured where the sacramental character, or sacramental grace, or orientated grace are lacking, yet the body of the Church begins to be prefigured there too. Nor is the fundamental law of the co-extcnsion of the created soul and body of the Church contradicted by the fact that many sinners lacking grace continue to be members of the Church; for it can be said that to the extent to which they still adhere to the Church these sinners receive spiritual influences which emanate from the entire soul of the Church, which in this sense is in them by its efficiency and, as it were, dynamically.

The preachers and apologists of the nineteenth century' rather lost sight of St. Augustine's great doctrine. How were they to reconcile the axiom "Outside the Church, no salvation "® with the doctrine, everywhere received, that those who remain ignorant of the Church in good faith may nevertheless be in a state of grace and in the way to save their souls? Protestantism, prompt to dissociate invisible realities from visible, answered that there

[1] *In Joan.,* tract. 26, no. 13; 27, no. 6. St. Augustine frequently says that there is no salvation outside the Church. He also makes it plain that he does not condemn ignorance in good faith, since he grants that those in error simply on account of their birth and upbringing " who seek the truth with care and prudence, who are ready to accept it when discovered, are not to be counted among the heretics " *{Epist.,* xliii, 1). Must we say that he here applies the distinction between the soul and body of the Church? I do not think so. Mgr. Batiffol, however, while noting that " Specht was wrong in saying that the term ' soul of the Church * is Augustinian ", writes also: " We might say that Augustine glimpsed the doctrine of the soul of the Church, the soul that holds those saints whom God sanctifies, though they do not belong to the visible body of the Church " *{Le catholicisme de saint Angtulbi,* 1920, vob 1, p. 250). To talk of saints whom God would sanctify outside the visible body of the Church might be misleading. It is better to say that in this world the saints belong either *re* or *ooto* to the Church which is visible by her body.

'The axiom ' outside the Church no salvation" is contained equivalently in Scripture. We might die for example Mark xvi. 16: "Go out all over the world and preach the gospel to the whole of creation; he who believes and is baptized will be saved; he who refuses belief will be condemned." It has been remarked in this connection that Jesus' condemnation " bearing solely on those who positively refuse to submit to the Church, does not touch anyone who, ignorant in all good faith of the divine authority of this Church, is not in fact subject to its teaching " (E. Dublanchy, art. "Église ", *Diet, de thiol. caih.,* col. 2155). It was a common belief from the outset that " all who refuse to submit to the doctrinal or disciplinary authority of the Church, heretics or schismatics, lose all right to eternal salvation" (ibid., col. 2156). The first explicit texts occur in Origen, towards 249-251; " Let no one then mistake, let no one deceive himself: outside this habitation, that is, outside the Church, no one is saved; he who leaves it is himself responsible for his own death" *{Ham.* Ill, no. 5; P.G. XII, col. 841). And in St. Cyprian, in 251: " He who leaves the Church to join himself to an adulterous [sect] separates himself from the promises of the Church. He will not come to Christ's rewards, who abandons the Church of Christ. He cannot have God for his Father who has not the Church for his mother. If, outside the Ark of Noe anyone could have been saved, then might someone be saved outside the Church (D« *Unitate Ecclesiae Catholicae,* cap. vi; P.L. IV, col. 505).

exists an "invisible Church" to which the just of all times belong, and a "visible Church" (or many visible Churches) which nobody is bound to enter. A certain number of Catholic writers, without wishing to dislocate the Church in tliis manner, imagined that her soul, i.e. sanctifying grace as they said, extended far beyond the limits of her body. They added that the just who in good faith remain ignorant of the Church, belong to the soul of the Church, and arc therefore not outside her.

In the first place, however, such a mode of distinguishing the soul and body of the Church is without foundation in the authentic documents of the magisterium.[1] It would seem to have been influenced by the Protestant conception of a "spiritual Church", distinct from the "visible Church"[2], and its use appears to be dangerous.[3] On the other hand we can easily see that the soul of the Church is not sanctifying grace pure and simple, as found in those who remain ignorant of the Church in good faith, but sanctifying grace as transmitted by the sacramental power and ruled by the jurisdictional power.

1 " It must be remarked at the same time that these same [ecclesiastical] documents, when treating of our dogma *{Exira Ecclesiam nulla salus)* contain nothing positive in favour of a theological distinction between the soul and body of the Church. According to the tenor of these documents it is necessary for salvation to belong actually, or *in re,* to the Catholic Church, apart from two cases, implicitly or explicitly indicated, in which to belong *in vote* suffices." The first case, provided for implicitly, is that in which Baptism cannot be effectively received; and the second, provided for explicitly, is that in which there is invincible ignorance about the Church (E. Dublanchy, art. " Église", *Diet, de thiol, cathol.,* cols. 2166 and 2167). On the question of a return to the traditional vocabulary, cf. Louis Capéran, *Lt problème du salut des infidèles, essai historique*, 1934, v°1· L P·540·

1 In what way docs the distinction made by the Abbé Perreyve differ from the Protestant distinction between the invisible and the visible Church? " Theologians," he say's, " understand by the soul of the Church *the society of the just in whatever time and country they may have lived.* Every man who, faithful to the interior promptings of grace and docile to such divine light as he is able to receive, believes, hopes and loves in the measure of the spiritual strength that is given him, lives in accordance with what he knows to be the law and desires to die in a state as far removed as may be from error and evil, belongs to the true Church by these virtues that come to him from above .. . Outside the Church, no salvation: *that is to say in the last analysis, outside the congregation of the just,* outside of good faith responding to grace, outside of the quest for truth in a sincere and pure heart—outside of all this, no salvation " *{Entretiens sur ГÉglise catholique,* vol. II,pp. 504 and 546, cited by L. Capéran, *Le problème du salut des infidèles, essai historique,* 1934, vol. I, p. 476. (My italics).

3 So real is the danger lurking in this distinction that it can lead such good theologians as Fr. Lemonnyer *{Vie spirituelle,* 1 May 1932, p. 71 et seq.) to contradistinguish " the Church visible " and the " Church invisible the " Church visible " and the " Church in a state of grace the " Church visible " and " the Mystical Body of Jesus Christ". The Body of Christ is thus no longer considered as something in itself visible, but as something in itself invisible, of which however " the Church visible is the true home ". Of course it is Fr. Lemonnyer's vocabulary, not his thought, that we are criticising here. We should not speak of a soul of the Church which extends beyond the body. Above all, we must not say that the just " without " belong to the *invisible* Church. Say rather, if you will, that they' belong *invisibly* to the visible Church. It is difficult to think, however, that their supernatural charity is altogether without outward sign, and in this sense their membership of the Church is not wholly invisible. It could be said to be invisible *simpliciter,* but visible *secundum quid.* On the whole, and in practice, we might distinguish three ways of belonging to the Church, which is visible: (1) the membership, *visible only,* of sinful and carnal members (doubtless it is by virtue of the spiritual realities still surviving in them—the baptismal character, supernatural faith, supernatural hope—that they belong to the Church; but what is most spiritual in Christians, i.e., charity, is lacking); (2) the *lisible and spiritual* membership ofjust members, and (3) the *simply spiritual* membership of the just " without ".

THE CHURCH OF THE WORD INCARNATE

To reconcile the axiom "Outside the Church, no salvation'', with the doctrine of the possible salvation of those who remain ignorant of tlie Church in all good iaith, there is no need to manufacture any new theory. .All we have to do is to apply to the Church the traditional distinction made in connection with the necessity of Baptism, the door by which the Church is entered. To the question: Can anybody be saved without Baptism? St. Thomas, who here draws on die thought of St. Ambrose, replies that those who lack Baptism *re et voto,* that is to say who neither arc nor want to be baptized, cannot come to salvation, "since they are neither sacramentally nor mentally incorporated into Christ, by whom alone is salvation". But those who lack Baptism *re, sed non voto,* that is to say "who desire Baptism, but are accidentally overtaken by death before receiving it, can be saved without actual Baptism, in virtue of their desire for Baptism, coming from a faith that works by charity, by which God, whose power is not circumscribed by visible sacraments, sanctifies man interiorly".[1] Conformably with this distinction we shall say that the axiom "No salvation outside the Church" is true of those who do not belong to the Church, which *in herself is visible,* either visibly *(corforaliter)* or even invisibly, either by the sacraments *(sacramentaliter)* or even in spirit *(mentaliter)*; either fully *(re)* or even by desire (roto); either in accomplished act or even in virtual act.[2] The axiom does not concern the just who, without yet belonging to the Church visibly, in accomplished act *(re),* do so invisibly, in virtual act, in spirit, by desire *(mentaliter, void),* that is to say in virtue of the supernatural righteousness of their lives, even while, through insurmountable ignorance, they know nothing of the sanctity, or even of the existence, of the Church.[3]

1 III, q. 68, a. 2.

2 Speaking of the way in which *one can be deprived ofBaptism,* St. Thomas opposes the terms *re* and roto; cf. III, q. 68, a. 2. Speaking of the way in which one can be incorporated in Christ, he opposes the words *iaaamentaliler* and *mentaliter* (ibid.) or *corporaliter* and *mentaliter:* " Adulti prius credentes in Christum sunt ei incorporati mentaliter; sed postmodum, cum baptizantur, incorporantur ei quodammodo corporaliter, scilicet per visibile sacramentum, sine cujus proposito nec mentaliter incorporari potuissent " (III, q. 6g, a. 5, ad. 1).

* It is in fact to these distinctions made by St. Thomas in connection with the necessity of Baptism that St. Robert Bellarmine and later theologians have recourse to explain the axiom " Outside the Church, no salvation ". St. Robert Bellarmine, speaking of catechumens, begins by saying that they are of the Church, not ** *actu* et *proprie,* sed tantum *in potentia,* quomodo homo conceptus sed nondum formatus et natus non dicitur homo nisi in potentia ", and it is easy to see from this example—borrowed, he believes, from St. Augustine—that the *in potentia* of St. Robert Bellarmine is equivalent to what we have called a virtual act*, the man already concaved but not brought forth, although not man in accomplished act, is man in act begun. St. Robert continues: " Quod dicitur: *Extra Ecclesiam neminem salzari,* intclligi debet de iis qui neque *re* ipsa, nec *desiderio* sunt de Ecclesia, *sicut de baptismo communiter loquuntur theologi.* Quoniam autem catechumeni, si non *re,* saltem *voto* sunt in Ecclesia, ideo salvari possunt " *(De Ecclesia Militante,* lib. III, cap. 3). Suarez has the same doctrine: " Melius ergo respondendum juxta distinctionem datam de neccsitate *in re* vel *in cote;* ita cnim nemo salvari potest, nisi hanc Christi Ecclesiam vel *in re,* vet *in cola* saltem et *desiderio* ingrediatur" *(De Eide,* disp. 12, sect. 4, no. 22). Billuart notes that catechumens " non sunt *re* et *propne* in Ecclesia yet when they have charity, the)' are in the Church *proxime et in voto,* as if one should say that a man under the porch was already in the house; they belong to the Church " *inchoative* et *ut aspirantes* . . . et ideo salvari possunt. Nec obstat quod extra Ecclesiam non sit salus; id namque intelligitur de eo qui nec *re,* nec *in colo* est in Ecclesia " *(De Regulis Fidei,* dissert. 3, a· 2› § 3)· See on this point E. Dublanchy, art. " Église", *Diet, de thiol, cathol.,* cols. 2163-2165.

4. THE JUST " WITHOUT" BELONG TO THE CHURCH BY DESIRE, NOT IN ACCOMPLISHED ACT

I do not say that there is no supernatural life at all outside the Church, but simply that there is none that does not look towards her.[1] As preliminary to a deeper study of the soul of the Church, let us examine more closely the position of the just "outside".

They are to be found either in those groups which lack the sacraments of the New Law (paganism, Islam, Judaism, and Protestant sects such as the Quakers), or in those groups which, while separating themselves from the Church, have kept, among other good things, various genuine sacraments. (We may call them dissidents: Graeco-Russians, and traditionalist Protestants.)[2]

I. The just of the first category enjoy supernatural life—i.e., sanctifying grace issuing in the infused virtues and the gifts of the Holy Spirit. The

What is to be gained by substituting some new explanation of the axiom: *Extra Ecclesiam nulla salus,* for this traditional exegesis? "The result is that the apologists are out of accord with the theologians and deviate from the traditional teaching. When it is introduced simply as it stands into the formula 'Outside the Church, no salvation', die distinction between the body and soul of the Church might easily falsify its meaning . . . When the Fathers and the Councils made use of this formula, diey did so to convey that all who would be saved must not only belong to the soul of the Church but must enter the external communion. It was without any detriment to the truth of the formula that the theologians reconciled it with die universality of grace and the universal possibility of salvation. They distinguished, like their predecessors, a *real* adhesion and an *implicit* adhesion to the visible Church n (L. Capéran, *Le problème du salut des infidèles» essai historique,* vol. I, p. 477). Happily, not all the apologists are here incriminated. In his 36th conference at Notre Dame de Paris, for example, Père de Ravignan made admirably clear that the dogma "Outside the Church, no salvation" condemns those who live in "voluntary and culpable error", but not diose who have at least "the implicit aspiration and desire for the Church and for Baptism".

In his very stimulating book on die Church A.-D. Scrtillanges, O.P., more perspicacious than the apologists here cridcised, clearly sees what is in fact obvious to every Thomist, that the soul and body of the Church must be coextensive; but to reconcile this truth with the doctrine of the possible salvation of those in invincible ignorance of the Church, he looks in a direction which seems at first sight contrary to that followed here. He does not reduce the soul of the Church to the dimensions of its normal body by the disdnedon between grace simply sanctifying, which certainly overflows this normal body, and the sanctifying grace that comes of the sacramental power and is ruled by the jurisdicdonal power, which is the very soul of the Church, conformed to her normal body. On the contrary' he leaves the expression "soul of the Church" an undifferentiated and universal significance, and enlarges the concept of the body of the Church so as to make it universal like the soul. ''In the measure in which these organizations [pagan religions] favoured not vice and error as they did loo often, but virtue and true religious feeling, they were, through God and His Christ, salutary; *they were so io speak occasional uncovenanted supportsfor the universal soul of the Church,"* And again: "Just as the soul of our *Catholic* Church envelops all souls that belong to God no matter where they' live, *so does her body envelop, as extrinsic dependencies,* all other religious forms [dissident religions arc here meant] which in themselves arc her antagonists, but also partially, and in the way I have just described, her servants" *(L'Église,* 1917, vol. II, pp. 112 and 119. My italics). These views should surely be made more precise. What has to be determined is this: what is there of the soul of the Church outside the Church, and what is there of the body' of the Church outside the Church?

[1] We may here recall the 29th proposition of Qucsnel condemned by Pope Clement XI: ''No grace is to be had outside the Church, *Extra Ecclesiam nulla conceditur gratia* " (Denz., 1379).

[2] Here, without wishing to proscribe their use everywhere, I avoid of set purpose such phrases as *salvation of irfidels, pagans,* or *heretics in goodfaith.* Infidels arc saved in so far as they arc among the faithful, pagans and heretics by that in them which is neither heretical nor pagan.

whole tendency of this life is to grow towards completion, to enrich itself with those modalities which grace possesses in the sacred humanity of Christ, to open out, in a word, into that sacramental grace which, as we have seen, is a primary and fundamental element of the soul of the Church. It thus creates in those who have it a kind of living aspiration to that soul, a real and ontological desire for the Church. Men of this sort are of the Church, say the theologians, not yet *re* but already *voto, mentaliter,* by desire. Membership *re* and membership *voto* are here opposed, not as real membership to unreal, but as actual, consummated ontological membership to virtual, prefigured ontological membership, as membership in achieved act to membership in virtual act. Membership *re,* visible, corporeal, terminal, achieved, may be compared with membership *voto,* invisible, spiritual, prefigured, of desire; as the plant in flower is compared with the plant in bud; or, to take Bellarmine's comparison, as the man with the child still hidden in his mother's womb?

However reduced may be the activities of grace in such souls, they will still be in need of speculative and practical directives. They must know, for example—if they are to believe in them supematurally—of the existence and providence of God, of the principles of morality and so on. Data of this sort are doubtless woven into the religious and cultural web within which they live, but are bound to be vitiated by endless errors. Each will have to do what he can on his own account, under the inner influence of the Holy Spirit who fails no one—though we may all too easily mistake our own voice for His—to sift the true from the false, the good from the bad. There will be omissions and inaccuracies, more or less serious according to the religious group concerned—Judaism for example or Islam being more helpful than paganism, itself a thing of many degrees. In so far as these religions shut out the truth they are instruments of darkness; but by such truths as they have retained (or perhaps regained), they may, however accidentally and imperfectly, be sources of light for millions of souls inwardly sustained by the Holy Spirit.

2. The just of the second category, the dissident groups, are in a better position. Like the rest, they belong to the Church not completely—not *re*—but in a way that is initial, virtual, beginning, *voto.* Note however that membership by desire is realized in an analogous or proportional manner; more feebly in the first category, and to a greater degree of perfection in the second, where certain genuine sacraments of the New Law have been retained, along with numerous traditional data in the speculative and practical orders.

1 Explaining an authentic passage of St. Augustine which puts the catechumens within the Church—"Futuri erant aliqui in Ecclesia excelsioris gratiae catechumeni" *(In Evang. Joan.,* tract. 4, no. 13), St. Robert Bellarmine writes: " Voluit ergo dicere, esse in Ecclesia non actu sed potentia, quod idem ipse explicuit initio libri II *De Symbolo* [but this text is not St. Augustine's] *ubi comparat catechumenos hominibus conceptis, non natis " (De Ecclesia λfilitante,* lib. III, cap. 3). For E. Mersch, on the contrary, the catechumens would be members of Christ without being members of the Church, and he concludes that there need be no identity between the Mystical Body of Christ and the Church *(The Whole Christ,* London 1939, pp. 487 and 564).

THE APOSTOLIC HIERARCHY

The Gracco-Russian dissidents have kept the power of order with its three degrees: bishops, priests, and deacons. It has been perpetuated among them in virtue of the validly transmitted consecration of those who first made the schism. Thanks to the power of order the redemptive sacrifice is offered and the sacraments preserved: Baptism undoubtedly, and Confirmation, enabling the laity to partake to a certain extent of the sacerdotal power of Christ; the Eucharist too, the end of all the other sacraments, which of itself, whenever it is received with the right dispositions, tends to bestow spiritual life—not, like Baptism, in an inchoate state, but in a consummated state[1]—and to form the Church, the Body of Christ, the "sacrament of piety, the sign of unity, the bond of charity."[2] The just who belong to these Gracco-Russian groups truly possess, besides the triple sacramental character that enables them validly to continue the celebration of the Christian rite, that sacramental grace which though not, in isolation, the soul of the Church, is nevertheless a primary and fundamental constituent of the soul of the Church.

Those dissident groups of the Reformed in which Baptism is still validly administered—whose marriages arc therefore held by the Roman Church to be authentically sacramental[3]—can still participate, but in an attenuated way, in the sacramental benefits: the sacerdotal power of Christ is imparted to them only in Baptism, sacramental grace only in Baptism and the sacrament of Matrimony.

As to the supernatural directives needed to give sacramental grace its collective orientation and the final perfection which will make it the soul of the Church, an immanent form uniting, ruling, and vivifying the whole Mystical Body of Christ, they exist outside the Catholic Church as doctrinal patterns—much more important and closely organized in Graeco-Russian Christianity, where the process of separation has not gone so far, than in the Protestant variety, and much more important in Protestantism, where the two Testaments are respected, than in the religions of the non-baptized. That the number of the sacraments should diminish with the value of these doctrinal patterns is easy to understand. When the Protestants of England ceased to believe in the Eucharist their ordinations ceased to be valid, and the power of order lost its divine significance.[4] To-day, the Protestant modernists, who do not believe in original sin,

lu Perceptio baptismi est necessaria ad *inchoandam* spiritualem vitam; perceptio autem eucharistiae est necessaria ad *consummandam* ipsam " (St. Thomas, III, q. 83, ad. 3).

1 St. Augustine, *In Joan. Evans·.,* tract. 26, no. 13.

3 The marriage of Protestants is not a sacrament in tlic eyes of the Protestant Church, but it is so in those of the Roman, *Codex Juris Canonici,* can. 1099, 2· The two sacraments really retained by traditional Protestantism arc not, as they themselves hold, Baptism and the Last Supper but Baptism and Matrimony.

4 Why arc zViglican Orders invalid? "The words which until quite recent times have been generally held by Anglicans to be the proper form of priestly ordination—' Receive die Holy Ghost '—certainly do not signify definitely die order of the priesthood or its grace and power, which is, above all else, the power to consecrate and offer the true Body and Blood of the Lord in that sacrifice which is no mere commemoration of the sacrifice accomplished on the Cross . . . Not only is there in the whole Ordinal no express mention of sacrifice, of consecration

no longer attach any great importance to the reception of Baptism. The denial of any divine power of jurisdiction, and the consequent denial of any infallible truth in dogmatic pronouncements, tends of itself to the suppression of the sacramental power.

3. In the unbaptized just, and in those of the Protestant and Graeco-Russian groups, the soul of the Church is, as it were, in formation, yet can nowhere come to fulfilment. For even where sacramental grace attains the fullness of its being and of its modalities, as among the Graeco-Russians, it lacks light, encountering directives which are not always sufficient and not always certain, neither infallibly guaranteed as a whole nor protected from the corrosive influence of modem errors; and it cannot possibly achieve that plenitude which would issue in the created soul of the Church, the immanent ruling form of the Mystical Body of Christ.

It is important to note here that when we say that the Church is in formation outside the Church, we are looking at things in a way which, from an ecclesiological standpoint, is accidental and secondary. We mean that those who broke with the Church took with them certain good things which by their very nature belong to her. In themselves, in virtue of their own internal exigencies, these scattered fragments demand to be reintegrated in the Church, and we know that the universal saving virtue of the God of mercy works mysteriously and incessandy for their reintegration. But clearly this reintegrating movement works in precisely the opposite direction to the original movement by which the dissident Churches cut themselves off from the true Church, and it can gain ground only by sapping the specific principle by which these Churches willed, and still will, to differ from the true Church. Outside the Church the Church is in formation, but this comes about accidentally, by -violence done to the course things have taken. Outside the Church, the Church, of itself, is in decomposition. Any fragments of life broken off from her are no sooner detached from their native whole and subjected to the influence of the principle of dissidence, than they begin to disintegrate and decay.

Thus it is entirely right to hold that the struggle of light against darkness is the struggle of the Church against the world; but we must add that even in this world the Church has One who works for her in secret, the hidden God who mysteriously enlightens every' man, whose wisdom reaches from end to end of the universe, and who does not reap where He has not sown.

Other things being equal—that is to say, supposing an equal intensity of charity everywhere—membership of the Church by desire possesses a greater and greater degree of perfection as we pass from the non-baptized just to those of the traditionalist Protestant Churches, and then to those of the

of priesthood, of the power to consecrate and offer the sacrifice, but, as we have already indicated, every* trace of these and similar things remaining in such prayers of the Catholic rite as were not completely rejected, was purposely removed and obliterated " (Leo XIII, *Apostoluat Curat,* 1896).

Graeco-Russian Churches. But by a very disconcerting paradox, the movement of conversion to the Church is not necessarily in direct, but rather in inverse, ratio to the religious perfection of these various groups. It may be that there is some mystery here like that of the Gentiles, whose conversion *en masse* is to precede the entry of Israel into the Church.

5. *THE DIFFERENT ATTITUDES THAT MAY CO-EXIST WITH MEMBERSHIP BY DESIRE*

Turning now from groups of believers to individual persons, we note that membership by desire—that is to say the authentic movement of charity which effectively unites a soul to the Church—may co-exist with very diverse attitudes of mind, some of which may strike the faithful as rather strange. But it is not for the faithful, or for the theologians or even for the jurisdictional authority, to be the final judge of the salvation of each particular soul. That is for God alone. There are three typical attitudes, around which we may easily group the others.

First there is that of the catechumens. They have expressly asked for Baptism and the gates of the Church, which they know[1] to be the Body of Christ, stand open before them. Their desire for her is fully conscious and explicit.

The second attitude is that of the unbaptized child who awakes at one and the same time to the life of reason and to the life of faith, and turns to his last end with a profound aspiration which will count as Baptism by desire and will bring him to the heart of the Kingdom of God.[1] One growm to manhood in the forests, away from the company of men, and suddenly illumined by an inner inspiration showing him what to believe, would be in a similar position.[2] In these two cases, and others like them, the desire that saves these men, though it springs from a faith vitalized by charity, is not always accompanied by explicit knowdedge of Baptism or of the Church, nor even perhaps of the Incarnation and the Trinity: the explicit content of faith then amounting to two points which, in the supereminent mystery of their riches, contain all the articles of the creed: namely that "God is, and rewards those who seek after Him" (Heb. xi. 6).

The third attitude is that of men who are aware of the existence and activity of the Church, but who, far from seeming to move towards her, show themselves ill-disposed, perhaps oppose her with all their conscious powers, even persecute her; and yet do this because of insurmountable errors for which God does not hold them responsible, sincerely convinced as they are that they work for justice and truth. Their hostility to the Church can coexist with an authentic movement of faith working by charity, which attaches them closely to the very Church that they detest, but whose sons they already are. Newman had long given up "choosing his way" and was

1 cf. St. Thomas, **Ï-II**, q. 89, a. 6.

1 id., *De Veritate,* q. 14, a. 11, ad. 1.

content to be led by the divine light; yet still the Church of Rome seemed to him to be allied with Antichrist. There arc more things in a man's heart than arc dreamt of in his philosophy; or even, often enough, in his theology.

6. CATHOLIC OECUMENICISM

In an important and well-documented work, profoundly original in its approach, in which he considers how dissidents (whether as individuals or as Churches) should be regarded by Catholics, and discusses the burning questions raised by the present divisions among Christians, Père Congar has tried to define the principles of a Catholic oecumenicism.[1]

I. Taken in the Protestant sense, he says, oecumenicism "is neither the attempt nor the wish to rc-unitc Christian groups, considered as dissident, to a single Church considered as the sole true one. It arises among those who hold that no Christian confession in its present state possesses the fullness of Christianity; that even if some one of them is true, it does not, as a confession, possess the totality of truth, but that other Christian values exist outside it, not only among Christians confessionally separated from it, but in other confessions or other Churches, *as* confessions and *as* Churches." Père Congar does not expressly dissociate himself from these last words.[2] But he goes on at once to declare that:

> "To the extent to which this oecumenicism supposes that the different existing Christianities, having all failed at some point, possess each but a part of the truth and ought therefore, repenting and humbling themselves before God, to negotiate on a footing of equality, to consent to some sacrifices, and to unite in the profession of what of Christian truth is common to them all, while mutually respecting their differences—to the extent to which oecumenicism is *that,* there can be no such thing as a Catholic oecumenicism.
>
> "But if oecumenicism, as a specific movement of thought and action, is simply an awareness that a problem of re-union exists, that this problem is not exhausted, nor even fully opened up, by an exclusive emphasis on individual *conversions,* but that there is room for a theological determination of the status of the dissident Christianities *as* Christianities, of the relations of the dissident Churches, *as* Churches, to *the* true Church and to its unity—then indeed there can be, and we think that there ought to be and is, a Catholic oecumenicism."

2. Desirous of pushing courtesy and good feeling as far as possible, Congar seems to distinguish two moments in the spiritual attitude whence dissidence springs—at the inception of Luther's revolt for instance, or Calvin's. There

[1] *Divided Christendom,* London, 1939.

[*] In $0 far as this is so, it is by reason precisely of what they have taken from the true Church or received from the loving kindness of the Holy Spirit, never by reason of the principle of their dissidence, but in spite of it.

is first an extremely vivid awareness of some authentically Christian truth: gratuitousness of justification in Luther's ease, transcendence of the divine holiness in Calvin's. Then comes a second moment which consists in tearing this truth away from the organic wholeness of the revealed deposit in which it was given us, so as to live it apart and thus to falsify it. From this standpoint it can be said that "at the origin of the great secessions there was as a rule a genuine spiritual impetus which, in so far as it was positive and disinterested, was truly Catholic";[1] or again that Lutheranism is true "as a spiritual attitude", but that the error which, precisely, constitutes Lutheranism comes from the fact that "Luther, taking into account nothing but his own violent and personal experience, projected it into an abstract and universal theological doctrine";[2] or again, that "what is true in, for instance, the Lutheran . . . experience is ... a loss to the Catholic Church of today, and calls by its very nature for reintegration in it"; that, "all that is pure in Protestant or Orthodox piety or in that *pietas Anglicana* which gives Anglicanism its peculiar ethos is a loss, not indeed to the substance of the Church but to the expression and embodiment of its life, or at least to the wholeness of that expression."[3]

I think, for my part, that it would be more correct to take the original intuition, the "seminal reason" whence Lutheranism was to spring, as something essentially indivisible, impossible to decompose into an authentically Christian truth on the one hand, and a complication of this truth with distorting errors on the other. I believe that the primitive Lutheran intuition ofjustification was itselfintrinsically falsified because it inseparably associated the gratuitousness ofjustification with its forensic character. The Barthian intuition is false in itself because it inseparably associates the transcendence of the divine holiness with its incommunicability. The *idée-mère* of Lutheranism, Calvinism, Barthianism and the rest, appears to me to be the doubtless complex but unique concept, the unique idea and experience of a deformed truth, not a juxtaposition of two ideas, two experiences, one true and the other false.

Undoubtedly Luther might have undergone authentic Christian experiences, whether before the rupture (against Grisar, I do not believe that his great trials before 1518 were due to any neurotic crisis)[4] or even *after*—the thing is possible but remains God's secret; in any case these Christian experiences, if authentic, are exterior to the specifically Lutheran basic experience. And doubtless too Luther retained, alongside the basic intuition of Lutheranism, an important inheritance of authentic Christian truths; the drama of the history of Protestantism as a doctrine lies precisely in the internal tension between the old and the new in it, the divine and the

[1] *Divided Christendom,* London, 193g, p. 41.
[2] ibid., p. 42.
[3] ibid., p. 256. This is perhaps the passage which P. Cordovani was summarising in the expression Io scisma possiedc qucllo che manca a noi ", and which he notes as open to criticism in the *Ossenalore Romano,* 22 March, 1940.
[4] cf. *Eludes Carmtlitames,* Oct. 1937, p. 183.

human. Upright and saintly Protestants who have inherited the Lutheran patrimony may certainly be in possession of authentic Christian values, but the purity of these values will be compromised by them in the precise measure in which, whether in formulating them or in living them, they give way to the vertigo of the primitive Lutheran experience. And it will be safeguarded, contrariwise, in the measure in which they are freed from it by the inner power of the Spirit, who breathes wheresoever He will.

Yet it is possible—and may often happen—that the state of dissidence in which such men find themselves may accidentally favour the discovery of new aspects of the Christian inheritance. We do not imagine, for example, that we have nothing of religious value to learn from the Orthodox or the Anglicans. Heresies, said St. Augustine, are thorns that prick us out of our torpor: and amongst the thorns wc may at times find roses. But in the measure in which the discoveries or experiences of dissidents have occurred under the influence of heresy, they will need to be rectified before they can be integrated. A certain theologian, illustrating his doctrine by a comparison, has supposed that just as blindness develops an extreme delicacy of touch, so dissidence could accidentally bring to light new spiritual aspects of the Gospel. But this comparison passes over a point that is not to be neglected. Blindness in no wise falsifies the sense of touch, whereas dissidence always more or less falsifies the outlook on religious life. As Père Congar forcibly says, we shall never ask our separated fellow-Christians to abandon any of the true values they hold. We shall only ask them to replace these values in the organic whole of Christian life and truth from which in the past they were torn, purifying them, where necessary, with a view to this reintegration. To purify is not to diminish. Unfortunately to the natural man purification commonly looks like an amputation!

Let us add, with Père Congar, that if our separated fellow-Christians of East and West had only remained with us in the Church they would have helped us, not only by their personal qualities, but by reason of their own peculiar ethnic or spiritual temperament, to develop less imperfectly the riches of our Church. For she, being divine, has more in her than the Latin genius alone—or the genius of all the peoples of the world together—can seize and live.

To return to our late problem, it may well be that between Père Congar and myself there is merely a difference of presentation and point of view, and at bottom a real accord. This would seem to be proved by passages such as the following: "To the extent to which the dissident Christianities have preserved the principles of communion with God left by Christ to His Church, there remains in them, with whatever mingling of errors, still something of the Church, some fibres of her being; and it may be true to say that souls can sanctify themselves in them not merely in spite of their confession, but in and by their confession. Only we must understand what we arc saying. The thing is true only in virtue of what the dissident confessions have retained of the Church; it is true of them, if one may put it so, against them; for, in

virtue of what they have of their own and in themselves, it is indeed in spite of them that souls are sanctified in their midst."[1] Briefly, souls of the dissident groups are sanctified in virtue of what is Catholic in their confession, and in spite of the principle of dissidence.

3. In a remarkable passage of his *Unity in the Church {Die Einheit in der Kirche),* where he sets out to define "the true nature of the contrasts in the Church", Mochler touches on the question of the ontological relations between the Church and the dissident formations that arose out of heresy. The organic life of the Church, he says, is the resultant at once of the closest unity and the richest diversity. It harmonises contrasts which, outside the Church, tend to start apart into contradictions: the contemplative and active tendencies, the mystical and the speculative, and so on. The heresies, escaping the control of the unifying form of the Church, are incapable of preserving the living harmony of the contrasts, so that these rapidly dissolve into contradictions. Some heresies are characterized by activity only, others by repose; but in the Church repose is active and activity is in repose—the contrasts interpenetrate and issue in a unity.[2]

Moehler was asked whether the Church should not unite with the heresies so as to issue in a still higher and richer reality. The answer was easy: by uniting with the heresies the Church would be absorbing not contrasts but contradictions. She takes up already into her unity, he said, all those contrasts, all those Christian truths, which heresy arrays against each other. She is integral. But the principle that sets the heresies at odds with each other is not included in her unity. Thus she is the unconscious unity of all the heresies before their separation, and their conscious unity after their separation; during the separation she is opposed to all of them, as they are opposed to each other. What constituted Montanism or Gnosticism and made them what they were had absolutely nothing to do with Christianity, either in content or in form; and hence these elements are not Christian contrasts, and cannot be taken up into the unity of the Christian life.

How then can we claim that heresies are necessary for the development of the life of the Church?[3] It will not be out of place to remark that evil is always at work in Christians[4] and naturally issues in errors. "It is due to the influence of evil that elements which nature destined to be mere contrasts turn into contradictions; while it is always possible and even necessary that the faithful, respecting the true nature of contrasts, should give

[1] *Divided Christendom,* p. 246.

[2] cf. the chapter " The Paradoxes of Christianity ", in G. K. Chesterton's *Orthodoxy**. " It *is* true that the historic Church has at once emphasised celibacy and emphasised the family; has at once (if one may put it so) been fiercely for having children and fiercely for not having children. It has kept them side by side like two strong colours, red and white, like the red and white upon the shield of St. George. It always had a healthy hatred of pink ... It hates that evolution of black into white which is tantamount to a dirty grey . . . All that I am urging here can be expressed by saying that Christianity sought in most of these cases to keep two colours co-existent but pure."

[3] See Appendix X of this same work of Moehler's which deals with some of St. Augustine's comments on St. Paul's words: *Warn oportet et haereses esse* (1 Cor. xi. 19).

[4] Moehler says " in the Church ".

expression to all the possibilities of development *within* the Christian religion, making the free and harmonious play of diverse individualities concur to the enrichment of her life. But since the contrasts, without which there would be no life, turn into contradictions so often, the Church profits from the contribution brought to her life by the contrasts under this abortive form, without, for all that, recognizing them as absolutely necessary, and so as good. Thus evil never becomes good, although it can be the occasion of good, and we are not to suppose that the help of evil is needed in order to produce the good."

4. The Church asks for no easy thing. Neither a certain oecumcnicism among non-Catholics, which suppresses the problem of conversion, nor the particularism of certain Catholics, who put up high fences round their charity, is according to her heart. We should endorse the following lines, which describe these two opposite deviations: "I distrust a friendship between believers of all denominations which is unaccompanied by any kind of compunction or sadness of soul, any friendship which is easy and comfortable; just as I distrust a universalism which claims to bring together all modes of belief and of worship in one same service of God and one same all-transcending piety. The duty of being faithful to the light, of always following it as soon as it is seen, is a duty not to be avoided. In other words, the problem of conversion, for anyone who feels the divine goad and feels its urgency, is one that cannot be set aside, any more than the corresponding duty of the apostolate. And, to make up for it, I have an equal distrust of a friendship between believers of the same denomination which is easy and comfortable *just because* it is reserved for the co-religionist, of a universalism which would limit love to brothers in the faith, of a proselytism which would not love the other save to convert him and in the measure in which he is convertible .. J'l If it is to take example from Christ's love, our love for the Church will have to extend beyond the Church.

It is God who, through the humanity of Christ and through the hierarchy, produces the Church in the world under her present regime.

God is the First Cause. The human nature of Christ is the organ of the Divinity, the instrumental cause substantially conjoined to the Person of the Word (as our hand is substantially conjoined to our own person). The hierarchy as a whole can be considered, taking the word in a large sense, as an instrument substantially separated from the Person of the Word (as a tool we pick up is separated from our own person).

The Church has therefore three efficient causes. But they do not act on the same level. They are not juxtaposed but subordinated. They are not univocal causes but analogical. The third depends on the second, which is a cause in an incomparably higher sense; and the second on the first, which is Cause in a way which is absolutely unique and incommunicable. To forget

l Jacques Maritain, "› *Vie intellectuelle* August 1939, p. 177.

these facts, if only for an instant, would expose us to fatal errors. We must never be weary of recalling them.

But in this first Book, which deals with the *efficient* cause of the Church, we can discuss fully only the least of her causes, the hierarchy. The rôle of the human nature of Christ and that of the Divinity itself cannot at this stage be fully defined. For they arc much more than the efficient causes of the Church. Christ as Man is not only an instrumental Cause but an exemplary Cause and final Cause as well : He is the Spouse and the Head of the Church. The Holy Spirit is not only the First Cause but also the personality, the guest, and the soul of the Church. We must study the nature of the Church to bring out her dependence on the humanity of Christ and on the Deity.

We shall therefore go on to examine more closely the two distinct powers of the apostolic hierarchy, namely the power of order (Chapter III) and the power of jurisdiction (Chapters IV to VIII); then their fusion in a single hierarchy (Chapter IX) ; and finally the property and note of apostolicity (Chapter X).

Let us again set out the exact sense in which we are going to take the word " Church " :

When Christ is said to be the efficient Cause of the Church, Christ is considered as distinct from the Church, and the latter then includes both the hierarchy and the faithful at large. This is how the word is most commonly taken.

When we speak of the hierarchy as the efficient cause of the Church, the hierarchy is considered as distinct from the Church. "The hierarchy" then signifies the teaching and sanctifying function whence the Church results; or what is sometimes called—though the expression may lead to confusion—the "Church teaching". And "the Church" signifies the Church as found in *all* her members, the people believing, loving, acting; or what is called the "Church believing"; to it of course belong the Pope, the bishops and all the ministers, by reason of the supernatural life that is in them. In this first part, then, we shall envisage the Church above all from this last standpoint, attributing to the concept *Church* its maximum extension but also its minimum comprehension.

EXCURSUS I

O.V *THREE* IIь4Γ5 *OF DEFINING THE WORD "CHURCH" AND ON THE CORRESPONDING* JVAYS *OF ASSIGNING HER CAUSES*

I. *Three meanings of the word "Church".* The word "Church" can be taken in a "restricted" or impoverished sense, in an "intermediate" sense, and in a "large" or rich sense.

In the *restricted* sense die word means the Church as found in all the faithful, the *Ecclesia credens,* considered as the supreme effect to which the hierarchy, the *Ecclesia docens,* is ordered. It is thus that St. Paul understands the word when he tells the presbyter-bishops of Miletus to "Take heed to yourselves and to the whole flock, wherein the Holy Ghost hath placed you bishops, to rule the church

of God which he hath purchased with liis own blood" (Acts xx. 28). When theologians define the Church as "the community of the baptized faithful subject to a single visible head, the Vicar of Christ", the word is similarly taken in this restricted sense.

In the *intermediate* sense, common in St. Augustine, the word designates the totality of Christians, whether belonging to the hierarchy or the faithful. Christ is the Head, the Church is only the body. St. Thomas writes: "Quandoque enim [nomen Ecclesiae] nominat *tantummodo corpus* quod Christo conjungitur sicut capiti" *(Suppi,,* q. 95, a. 3, ad 4; cf. *IV Sent.,* dist. 49, q. 4, a. 3, ad 4). Wc may cite Coi. i. 18: "And he is the head of the body, the church." St. Paul writes again of Christ that God "hath made him head over all the church, which is his body" (Eph. i. 22). The hierarchic functions arc then comprised within the Church itself. To the Corinthians, whom he calls the body and members of Christ, St. Paul writes: "And God indeed hath set some in the church, first apostles, secondly prophets, thirdly doctors, after that miracles, then the graces of healings, helps, governments, kinds of tongues, interpretations of speeches" (1 Cor. xii. 28).

In the *large* sense the word "Church" means the organic whole of which Christ is the Head and of which Christians are the body. This sense was noted by St. Thomas: "Alio modo accipitur Ecclesia secundum quod nominat *caput et membra conjuncta'l (Suppl.,* q. 95, a. 3, ad 4). In I Cor. xii. 12 wc have: "For as the body is one, and hath many members; and all the members of the body, whereas they are many, yet are one body: so also is Christ", and in the expressions "to put on Christ", "to be buried in Christ", "to be grafted on Christ", what St. Paul calls "Christ" is the mystical Christ, the total Christ, Head and Body, that is to say the Church in the large sense.

II. *The Church in the restricted sense : mode of assigning the four causes.* Understood in the restricted sense the Church has for *material* cause the human nature of the Christians who make up the faithful (but we must repeat that the Pope and the bishops, although belonging to the Church teaching as depositaries of the hierarchic powers, are included in the Church believing as having souls to be saved).

The *formal* cause is the spiritual unity of the faithful, that is to say the unity of action *{actus secundus)* resulting from unity of soul *(actus primus}.* This common soul of the faithful is constituted essentially by three elements: (t) the two sacramental characters of Baptism and Confirmation; (2) sacramental grace (for the order of exercise); (3) the right immanent orientation received, with faith and obedience, from the jurisdictional power (for the order of specification). Here we are speaking solely of the created soul of the Church, not of her uncreated Soul who is the Holy Spirit.

The *extrinsic efficient* causes are: (1) the Divinity considered as First Cause; (2) the humanity of Christ considered as instrumental cause conjoined to the Divinity; (3) the hierarchic powers of order (sacramental character of order) and of jurisdiction; which can be considered, strictly for the first and broadly for the second, as an instrumental cause separated from the Divinity. And for *intrinsic efficient* cause there is the supernatural soul, the "pneumatic" soul of the faithful, made up of the three elements named—viz. the two characters of Baptism and of Confirmation, sacramental grace, and the right immanent orientation received from the jurisdictional power—in so far as this soul is in proximate disposition *{actus primus)* to procure the unity of action of the Church *(actus*

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secundus). The soul of the faithful is the principle of efficiency *quo* (proximate principle and wholly spiritual) of the unity of action of the Church; the Christians are the immediate principle of efficiency *quod* (radical and visible principle) of the unity of action of the Church.

The *extrinsic final* causes are: (i) the Divinity considered as Last End and Sovereign Good; (2) the humanity of Christ considered as intermediate end, and as the point of concentration of all the faithful. And the *intrinsic final* cause is the common good of the Church comprising, as mutually ordered integrant parts—according to what St. Thomas says (I, q. 5, a. 5—cf. the commentary of Cajetan)—the mode or measure, the species or form, the order or inclination to the end; the "mode", that is to say the happy disposition of the extrinsic and intrinsic efficient causes whence issues the soul of the Church; the "species", that is to say die soul of the Church as we have just defined it; the "order", that is to say the inclination which draw's the Church towards Christ as Proximate End and towards the Divinity as Last End.

III. *The Church in the ^intermediate" sense, and the assignment of the four causes.* Understood in the intermediate sense the *material* cause of the Church is the human nature of the Christians, hierarchy and faithful. The *formal* cause is the unity of spirit, that is to say the unity of action *{actus secundus)* resulting from unity of soul *{actus primus)* : this soul of the Church still being constituted by the three elements, which here arc: (1) the sacramental characters of Baptism, Confirmation and Order; (2) sacramental grace (for the order of exercise); (3) the right orientation ruling the action of the foregoing elements, an orientation considered at once as transmitted by the jurisdictional power and as received with faith and obedience by the faithful (for the order of specification).

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The *extrinsic efficient* causes are: (1) the Divinity considered as First Cause; (2) the humanity of Christ considered as instrumental cause conjoined to the Divinity. And the *intrinsic efficient* causes are: (1) the hierarchic powers of order and jurisdiction, used by Christ as a "separated instrument" to communicate to the Church the sacramental characters of Baptism, Confirmation (and even Holy Orders); sacramental grace (note here that Baptism, which confers a sacramental character and sacramental grace, has in fact a priest for minister when it is solemn, although non-solemn Baptism can be administered by anyone), and the right immanent orientation ruling the action of the sacramental characters and grace; (2) these same elements—to wit, the sacramental characters of Baptism and Confirmation, sacramental grace and their right immanent orientation—in so far as these three are a proximate disposition *{actus primus)* to procure the Church's unity of action *{actus secundus).* The hierarchic powers of order and jurisdiction, and the three elements which they cause in the Church, are the principles of efficiency *quo* (proximate principles and wholly spiritual) of the unity of action of the Church; the Christians themselves, hierarchy and faithful, are the immediate principles of efficiency *quod* (radical and visible principles of the unity of action of the Church).

The *extrinsic final* causes are: (1) the Divinity considered as Last End and Sovereign Good; (2) the humanity of Christ considered as intermediate end and as the point of concentration of the whole Church. And the *intrinsic final* cause is the intrinsic common good of the whole Church, whose integrant parts are the " mode ", being the happy disposition of the efficient causes whence the soul of the Church results, and the integrity of the material causes in which this soul

embodies itself; the "species" being the soul of the Church itself (as we have defined it above) and the "order" being the inclination which draws the Church towards Christ as Intermediate End, and towards the Divinity as Last End.

IV. *The Church in the "large" sense; nude of assigning the four causes.* When the Church is taken in the large sense the *extrinsic efficient* cause is the Divinity considered as First Cause.

The *extrinsic final* cause is the Divinity considered as Sovereign Good.

The *material* cause is the human nature of Christ and of Christians.

Up to that point all is simple. The difficulty begins when we try to define the formal cause and the intrinsic efficient and final causes of the Church.

In my view the Church taken in the large sense has for *formal created* cause the unity of spirit, that is to say the unity of action *(actus secundus}* resulting from the unity of soul *(actus primus'):* this created soul of the Church being constituted by three elements: (i) the sacerdotal power of Christ and the triple sacramental character which, in Christians, is a participation of that power; (2) the sanctifying grace dwelling in its fullness in Christ and sacramentally participated by Christians (these two elements concern the order of exercise); (3) the right orientation ruling the two preceding elements when they pass to second act (and this last clement concerns the order of specification).

When the created formal cause, the created soul of the Church, has been determined, it is easy to assign the intrinsic efficient and final causes. Cajetan remarks that 4"the soul rules the body in a threefold order of causality: namely, efficient causality, since it is the cause of the bodily movements of the thing animated; formal causality, since it is the form of the body; and final causality, since the body exists for the soul" *(In II-II,* q. 60, a. 6; cf. St. Thomas, *De Anima,* lib. II, lect. 7, no. 318). Thus we shall say that the soul of the Church is a formal cause if considered as giving the Church its being and its unity; an intrinsic efficient cause if considered as the cause of the Church's activity; and an intrinsic final cause if considered as the good to which the body of the Church is ordered. But the intrinsic efficient and final causes of the Church taken in the large sense can be stated more precisely.

The Church has for *intrinsic efficient* cause: (i) the spiritual virtues of the humanity of Christ which, as instrumental cause "conjoined" to the Divinity, is the head from which the Church receives its supreme movement and direction; (2) the hierarchic powers, that is to say the powers of order and jurisdiction which are, in a strict way as regards the first and in a broader way as regards the second, the "separated" instrumental causes used by the humanity of Christ to communicate to men, *a.* the sacramental characters of Baptism and Confirmation (and even Order), *b.* sacramental grace, and *c.* the right orientation accepted in faith and obedience, ruling the activity of the two former elements; (3) finally these same elements just mentioned, to wit the sacramental characters of Baptism and Confirmation (that of Order is the hierarchic power already cited), sacramental grace and their right immanent orientation, since these three elements arc, in effect, in proximate disposition *(actus primus}* to procure the unity of life and action of the Church *(actus secundus}.* Note that the spiritual virtues which dwell in Christ as Man, and which are participated by the members of the hierarchy, then by the faithful, are a principle of efficiency *quo* (proximate and wholly spiritual principle) of the Church's unity of action; while Christ Himself, the members of the hierarchy, and the faithful, who act in accordance with the

spiritual virtues just mentioned, arc a principle of efficiency *quod* (radical and visible principle) of the Church's unity of action. This last consideration fits in with what St. Thomas says in another connection when he considers the citizens as being the intrinsic efficient cause of the City. In his commentary on Aristotle's *Politics* St. Thomas calls citizens " those who arc eligible for election to deliberative and judicial offices" (lib. III, lect. i), and he says that "the citizen *maxime* is he who shares in the honours of the City" (lib. III, lect. 4, no. 382).

The Church's *intrinsicfinal* cause is her intrinsic common good, whose mutually ordered integrant parts arc the "mode" or "measure"; which means that the intrinsic good of the Church presupposes both the happy disposition of the efficient causes whence comes the soul of the Church, and the integrity of the material causes in which this soul embodies itself; the "species" or the "form", which means that the intrinsic good of the Church demands the presence of the entire soul of the Church; the "order", or "inclination to the end", which means that the intrinsic good of the Church is specially characterized by an inclination, an *élan,* referring the whole Church to her last Supreme End which is the Divinity.

V. *How is apostolicity to be understood?* If we take the Church in the "large" and "intermediate " senses, the hierarchic powers of order and jurisdiction, coming down from the Apostles through an uninterrupted succession, will appear as appertaining to the *intrinsic* causes of the Church: to the intrinsic efficient cause and to the formal cause. Here apostolicity belongs to the Church *ratione formae,* as a property resulting from her essence.

If we take the Church in the "restricted" sense, then the hierarchic powers of order and jurisdiction, coming down in uninterrupted succession from the Apostles, will be found to be attached to the *extrinsic* efficient causes of the Church: they constitute a ministerial efficient cause separated from the Divinity and exterior to the Church. Apostolicity in this case marks the dependence of the Church on this extrinsic efficient cause It belongs to the Church no long *ratione formae* but *ratione causalilatis.*

Chapter III

THE POWER OF ORDER CONSIDERED AS MINISTERIAL CLAUSE OF THE CHURCH

in this chapter we shall discuss the power of order, which, along with that ofjurisdiction, is one of the two powers of the apostolic body, and plays an essential and even preponderant part in the causation of the Church in the world.

But the power of order is merely the highest realization, reserved to the hierarchy, of a more general and very mysterious power, the sacramental power *[pouvoir cultuel],* whose two lower realizations, the one conferred by the sacrament of Baptism and the other by the sacrament of Confirmation, are the common heritage of all the faithful, and put their stamp upon and inwardly penetrate the whole life of the Church as she now is.[1]

We cannot define this sacramental power without first treating of the Christian cultus itself, to which the power is essentially related, and in function of which the definition must be framed.

I. THE CHRISTIAN CULTUS, AXIS OF THE EXISTING CHURCH

The Christian cultus is the cultus of the New Law. It succeeds the merely figurative cultus of the Old Law. It announces and prepares the life of glory in which all truth will be openly and perfectly unveiled, where neither the offering of sacrifice nor the reception of sacraments, nor the exercise of what St. Thomas calls succinctly the exterior cultus, will have any further reason to exist. This Christian cultus is no longer pure figure, nor, as yet, is it pure reality: it is reality, but under a veil of figures.[2] Founded by Christ, it is continued in the Church.

**Translator s note.* This ^oicvxr *cultuel* also here in the original called the *pcuccir sacramentel)* is a generic term for all the powers and characters conferred by the sacraments; the highest of these being die character conferred by the sacrament of Holy Orders and the corresponding power to offer the eucharistie sacrifice. There is perhaps no really satisfactory English equivalent for *pouvoir cultuel, rituel, liturgique.* We shall call it throughout the sacramental power. The French *culte* we have generally rendered as " cultus ", reserving " cult " for non-Christian systems of religion.

2Sl. Thomas writes that " the state of the New Law is intermediate between the state of the Old Law whose figures are fulfilled in the New, and the state of glory, in which all truth will be openly and perfectly revealed, and where there will be no sacraments" (III, q. 61, a. 4, ad 1). The priesthood of Christ is eternal, not as regards the offering of the sacrifice, but as regards the end

THE POWER OF ORDER

i. THE INSTITUTION OF THE CHRISTIAN CULTUS BT CHRIST THE PRIEST

When the Word of God—with a view to establishing a new world better than the world of innocence, a second reign of mercy, a second Kingdom of God more perfect than the first[1]—united Himself personally to a human nature destined to be the principle of the regenerated creation, the living bond between heaven and earth, He conferred on this human nature the created gifts of a double unction, a double consecration and sanctification, in the order of cultus and in the order of grace. So that Christ, as Man, was on the one hand constituted Ruler and Head of a supreme cultus, foretold for the last age of the world, a cultus in which those effectively participate who arc incorporated in Him as His members by the reception of the sacramental character, which is a sacramental and sacerdotal power; and, on the other hand, was constituted Ruler and Head of a supreme outpouring of sanctity and love, in which those fully participate who are incorporated in Him as His members by grace received in all its sacramental perfection.[2]

It is of Christ as Ruler, Head, and Founder of a new cultus that we have to speak here. He appeared on the threshold of the last age of the world as the High Priest designated by God: "For every' high priest taken from among men is ordained for men in the things that appertain to God . . . Neither doth any man take the honour to himself but he that is called by God, as Aaron was. So Christ also did not glorify himself that he might be made a high priest: but he that said unto him, *Thou art my Son; this day I have begotten thee.* As he saith also in another place: *Thou art a priest for ever, according to the order of Melchisedech"* (Heb. v. i, 4-6). He came not only to abrogate the weak and temporary priesthood of the Old Law, but to set up the perfect and definitive priesthood in its place: "the others indeed were made priests without an oath", by way of carnal generation, "but this with an oath, by him that said unto him: *The Lord hath sworn, and he will not repent, thou art a priest for ever"* (viî. 21); the others succeed each other "because by reason of death they were not suffered to continue: but this, for that he continueth for ever, hath an everlasting priesthood"(vii. 23-25); the others would offer the blood of goats and oxen with a view to a carnal purification, but He would offer His own Blood to obtain eternal redemption (ix. 11-14); the others would offer daily the same sacrifices which can never take away sins, but He offers but one sacrifice for sins and "by one oblation he hath perfected for ever them that are sanctified" (x. 11-14). In this priesthood, in this cultus,

and consummation of the sacrifice, that is to say as regards the glory which the elect will receive from Christ (q. 22, a. 5, and ad 1). "After this life the exterior cultus will not remain, but the end for which this cultus exists" (q. 62, a. 5, ad 3).

[1] God's dominion extends to all things, but it is exercised either principally by way of justice or principally by way of mercy; and in the latter case it is called the Kingdom of God.

[2] Non-sacramcntal sanctifying grace is, as we have seen, but an initial participation in the sanctity of Christ.

in this unique sacrifice, all that was legitimate in the priesthood, the cultus and the sacrifice of the Old Law—and before that of the law of nature—finds its meaning, its justification and its fulfilment. The entire cultus of earlier ages had in feet no validity save in so far as it announced and prepared, obscurely enough no doubt, the cultus, the worship, that Clirist was one day to offer. That is why this supreme cultus, this supreme worship, which by a mysterious anticipation had been the centre of gravity of prior cults and the ground of their efficacy, would one day efface them altogether, and remain alone valid, alone legitimate, alone capable of bringing remission of sins, to the exclusion of every other oblation, for "where there is a remission of these there is no more an oblation for sin" (x. 18). It follows furthermore that the efficacy of this supreme cultus, this decisive oblation, is to be passed on from age to age till the end of all the ages; that all later sinful generations wall need its purifying virtue, and that those who, victims as they are of collective and invincible error, fail to recognize its nature or its perpetuity in time are indebted to it nevertheless for all that is best in them, for their good faith and for the uprightness of their hearts.

A. The Double Movement of the Christian Cultus

Because He was Man as we are, save for sin, and because His human nature subsisted in a divine Person, Christ, considered in His humanity, occupies a mid-position between the people and God. He is therefore qualified to act as the bridge between heaven and earth, as die Pontiff and Mediator, transmitting the prayers that go up from man and the benefits that come down from God—the Priest *par excellence* who, on the threshold of the New Covenant, was to give the world to God and God to the world.1

I. THE ASCENDANT MEDIATION OF THE CULTUS: THE SACRIFICIAL OFFERING

I. The act by which Christ offered prayers and satisfactions to God for men was certainly, first of all, a meritorious act. For in the first place His human nature subsisted in the Person of the Word of God; and in virtue of this "grace of union" which conferred on all His least acts, however intrinsically natural, an infinite dignity, He was marked out to be the Intercessor and Advocate of all men.2 The grace of union, furthermore, called for the presence of "habitual grace" in Christ's soul, a grace that would superelevate all His human activity, make it intrinsically supernatural, proportion it inwardly to obtain corporeal glory for Himself and, in virtue of a providential

1 " Proprie officium sacerdotis est esse mediatorem inter Deum et populum, inquantum scilicet divina populo tradit. _ et iterum inquantum preces populi Deo offert et pro eorum peccatis Deo aliqualiter satisfacit" (St- Thomas, III, q. 22, a. 1).

1 " If Christ could merit for others, this was *radutdiUr ft praauppasitizc* in virtue of the grace of union, but also *farmaliUf ft proximt* in virtue of habitual grace, inasnftich as this last was united to and completed by the grace of union. In the absence of habitual grace the grace of union would have sufficed to enable Christ to merit for others; but His soul would not then have been able to give birth to meritorious acts in so connatural a manner " (John of St. Thomas, III, q. 8, disp. 10, a. i, 110.50; vol. VIII, p. 261).

disposition, the spiritual salvation of all who would not refuse to enter into union with Him as His members.[1] Christ's intercession thus merited the salvation of the world.

2. But the act by which Our Lord interceded for men was not simply *any* meritorious act; it was a sacrificial act, an act of the exterior cultus, one in which wc find, present in a supereminent way, the four ends of sacrifice: adoration, propitiation, thanksgiving and impétration.

When the hour came for Christ to consummate His intercession on the cross, His death was something greater than any martyrdom, even the most heroic. Scripture represents it as an offering, as a sacrifice: "Christ. . . hath loved us and hath delivered himself for us, an oblation and a sacrifice to God for an odour of sweetness" (Eph. v. 2); as an incomparable voluntary[2] sacrifice, prefigured by the sacrifices of the Old Testament but destined to replace them for ever on account of its divine efficacy: "neither by the blood of goats or of calves, but by his own blood Christ entered once into the Holies, having obtained eternal redemption" (Heb. ix. 12). He entered "into heaven itself, that he may appear now in the presence of God for us. Nor yet that he should offer himself often, as the high priest entereth into the Holies every year with the blood of others, for then he ought to have suffered often from the beginning of the world: but now, once, at the end of the ages, he hath appeared for the destruction of sin by the sacrifice of himself" (Heb. ix. 24-26).

Jesus then wished once and for all to merit eternal life and the reconciliation and renewal of the world by a sacrificial act,[3] that is to say by an exterior act, a rite significative in itself of the "latreutic" homage, the homage of adoration, due to God alone—the generic end of all sacrifice being the homage of adoration.[4] This exterior rite, this latreutic homage of the New

[1] " Grace was bestowed upon Christ, not only as an individual but inasmuch as He is Head of the Church, so that it might overflow into His members; and therefore Christ's works arc referred to Himself and to His members in the same way as the works of any other man in a state of grace are referred to himself" (St. Thomas, III, q. 48, a. i, 44 Utrum passio Christi causaverit nostram salutem per modum meriti? ").

[2] From the standpoint of the perverse will of the Jews the death of Christ was certainly no sacrifice; His executioners had no thought of offering a victim to God, but sinned grievously. From the standpoint of the will of Christ freely accepting His passion, it had the character of a sacrifice, cf. St. Thomas, HI, q. 22, a. 2, ad 2; q. 48, a. 3, ad 3.

[3] cf. St. Thomas, III, q. 48, a. 3: 41 Utrum passio Christi operata sit per modum sacrificii? ** Christ, as Schcebcn remarks, " could have *merited* grace and glory for us without having to suffer; but *satisfaction,* on the contrary, absolutely demanded suffering. For without self-alienation and renunciation, without destruction, the honour filched from God could not have been restored to Him; but merit demands simply that something be done for God's honour and glory out of love for God. Since however the most excellent gift of love is to offer oneself to the beloved, and since the most perfect adoration of God consists in really bringing oneself to naught before His infinite majesty, it must be concluded that Christ's merit attained its highest point with His passion and death " *(Die Mystesien des Christentums,* 1895, no. 67, p. 439).

[4] Sacrifice, unlike offering, is " an *essentially* latreutic symbol ", it is " in *its essence* a rite significative of that homage which is due to God alone. It is this that distinguishes it from other acts of religion and gives it its special moral value " (I. Mcnncssier, O.P., *La notion de sacrifice,* in his translation of St. Thomas' *De Religione* (II-II,q.80, ctseq.), Paris 1932, vol. I, p. 350). "The latreutic character of the sacrifice of Christ is seldom strongly emphasised. Sacred Scripture itself usually

Testament, was appointed and defined in advance by a decree of God the Father, to which Jesus voluntarily submitted Himself: "Thinkest thou that I cannot ask my Father, and he will give me presently more than twelve legions of angels? How then shall the scriptures be fulfilled, *that so it must be done?"* (Matt. xxvi. 53). "Therefore doth the Father love me: because I lay down my life that I may take it again. No man taketh it away from me: *but **I** lay it down of myself.* And I have power to lay it down, and I have power to take it up again. *This commandment hare **I** received of my Father"* (John x. 17-18). That is why Scripture presents the death of Our Lord as a work of obedience: "For as by the disobedience of one man, many were made sinners: so also by the obedience of one, many shall be made just" (Rom. v. 19); and again: "He humbled himself, becoming obedient unto death, even to the death of the cross" (Phil. ii. 8).

This sacrificial act, by which Christ glorified His Father and merited eternal life for us, contained in an eminent way the virtue of all the sacrifices of the Old Law. It was not only more latreutic than the holocaust, but also more propitiatory, more eucharistie, more impetrative than the old sin-offerings and peace-offerings.[1]

There is a sense in which it can be said that Christ's sacrifice was primarily propitiatory, a sacrifice for our sins, since it would never have been offered if man had not sinned. Its first purpose was to offer to God on behalf of man something for which God's love was greater than His offence at sin. The Passion of Christ on that account might be called reparatory, redemptive, satisfactory, propitiatory for sins, reconciliatory. "You were not *redeemed* with corruptible things, as gold or silver, from your vain conversation of the tradition of your fathers; but with the precious blood of Christ, as of a lamb unspotted and undefiled" (1 Pct. i. 18-19): "And he is the *propitiation* for our sins; and not for ours only but for those of the w'hole world" (1 John ii. 2). His voluntary sacrifice has the power of appeasing God for all sins and of reconciling Him with the world: "we were *reconciled* to God by the death of his Son" (Rom. v. to); "For God indeed was in Christ reconciling the world to himself" (2 Cor. v. 19). It pleased God "to reconcile all things unto himself, making peace through the blood of his cross" (Col. i. 20). That is what we mean in the first place when we say that Christ is the Redeemer.[2]

presents it as simply propitiatory, but with no other intention, as is clear, than to set forth the divine cultus in general in relation to the benefits it brings us. If the cultus draws down God's rewards on the creature, its supreme end is nevertheless not the beatification of the creature, but the glorification of God; and that indeed is the end of the beatified creature himself. Similarly, Christ's sacrifice is assuredly ordained to reconcile the creature and restore it to grace, yet it is not the less willed for itself as a latreulic sacrifice directed to the glory of God; and in that precisely we must seek its deepest essence and highest significance. V»'c believe indeed that the propitiatory and impetratory character of the sacrifice of Christ cannot be fully brought out save when its latreulic character is properly appreciated" (M. J. Schecben, op. cit., no. 65, p. 416).

1 St. Thomas, I–II, q. 102, a. 3; and ad 10.

1 cf. St. Thomas, III, q. 48; and q. 49, a. 4. The Passion of Christ effected our salvation by way of *iatisfaction* and of *redemption;* it *recondled* us with God. The various characteristics distinguishable

The sacrifice of the cross is likewise a supreme *eucharistia,* a supreme thanksgiving for benefits already received; and that is why, when He instituted its memorial, Jesus gave thanks over, *eucharistized,* the bread and the wine (Luke xxii. 19; Matt. xvi. 27).

Finally, it is a supreme petition, a supreme impétration. Impetratory efficacy, like meritorious efficacy, supposes a preordination by which God decides to attach certain favours to certain actions. But whereas a meritorious act, stamped as it is with love, is in a measure proportionate to the thing it looks for in return, a petition, as such, appeals to nothing but pure mercy. Now Christ's sacrifice was not only meritorious but also impetratory; as it says in Hebrews v. 7: "Who in the days of his flesh, with a strong cry and tears offering up prayers and supplications to him that was able to save him from death, was heard for his reverence."

Thus it was by a meritorious intercession, but expressed in a sacrifice at once latreulic, eucharistie, impetratory, and propitiatory, that Christ offered the world to God.

3. In his third *Jentaculum,* written at Poznan in 1524, on the priesthood, Cardinal Cajetan noted how, unlike simple martyrdom which is a sacrifice only in the metaphorical or spiritual sense, the death of Our Lord is a sacrifice properly so called. It has been suggested, he says, that the martyr who offers himself at the stake or to other tortures, as on an altar, is himself truly and properly a priest. And, if so, our argumentation collapses; for if the virtue of the voluntary martyr suffices to realize priesthood properly so-called, we should apparently be entitled to call everyone a priest who makes an offering of his bodily pains, and so forth.

"We reply that there is a capital difference on this point between Christ and the martyrs; as sufficiently appears from the following three considerations:

" *a.* As to the sacrificial principle itself: Christ offered Himself in virtue of His public sacerdotal function, having been made Priest for this same sacrifice; which can be said of none other. For no one is made priest that he may offer himself in sacrifice. Men were made priests under the Old Law to offer calves and lambs, and under the New to offer the Body and Blood of Our Lord. Whereas Our Lord Jesus Christ, taken from amongst men by God the Father, was made Priest on man's behalf to offer Himself to death on the altar of the cross, as St. Paul explains in the Epistle to the Hebrews.

in the Passion are all closely bound up with each other; they' arc so many aspects of one and the same reality. Just as Christ " by the satisfactory virtue of His sacrifice delivered us from the infinite debt to God we had contracted; so by the meritorious virtue of His sacrifice He made God our debtor, presenting Him with a price so lùgh that henceforth the high grace of filiation would be granted by God to man not only out of pure favour and free love, but as of right; and precisely in that appears the supreme and mysterious significance of Christ's sacrifice " (Ni. J. Scheeben, op. cit., no. 67, p. 347). St. Thomas wrote: " Per passionem Christi est sublata odii causa: tum propter ablutionem peccati; tum propter recompensationem acceptabilioris boni " (III, q. 49, a. 4, ad 2).

"*b.* As to the oblation: Christ's oblation was, of its nature, voluntary. Christ died, in other words, because He willed it, and not with His divine will only but with His human will, not simply as accepting a fact but as producing an effect. For since His soul already rejoiced in glory it was within His power to prevent this corporeal death; but He did not will to prevent it. An altogether unique significance thus attaches to the idea of the voluntary in the text of Isaias: 'He was offered because it was his own will' [liii. 7]. Our Lord Himself says: 'I lay down my life that I may take it again. No man taketh it away from me: but I lay it dowm of myself.' And He adds explicitly: 'I have power to lay it down, and I have power to take it up again" [John x. 18]. The oblation of the other martyrs, on the contrary, was not in itself voluntary': it was not in their power to die or not to die, but only, in certain cases, to choose some of the circumstances of their death (place, time or manner). Their offering w'as voluntary only in its mode of acceptance: in the sense that they accepted death for the honour of God, making, in some sort, a virtue of necessity'.

"*c.* As to the thing offered. The Blood of Christ has power of its own nature to reconcile and satisfy for others, and even for all others (cf. i John ii. 2), whereas the blood of the martyrs w'as meritorious only' for themselves.

"'Thus the sacrifice of Christ on the cross is one thing, but the sacrifice made by the death of a martyr is quite another. In offering Himself, Christ was really and properly a Priest The martyrs are priests only in the derivative sense of the word, the sense in which it designates a virtue."

2. THE DESCENDENT MEDIATION OF THE CULTUS: THE INSTRUMENTAL CAUSALITY OF THE PASSION

Christ furthermore gave divine things to the world, being fully qualified to do so. His human nature, which subsisted in the Person of the Word, was consecrated and sanctified simply by its union with the Divinity; and it was also the subject of habitual grace so rich that it might be called infinite. For these two reasons it could be the lucid, loving and sensitive instrument by which the divine benefactions were to be poured out into the depths of souls. St. Paul declares that Jesus is the Head of the body of the Church (Eph. i. 22); that it pleased God that all fullness should dwell in him (Col. i. 19). St. John too presents Him as one who is "full of grace and truth", "and of his fullness we have all received, and grace for grace" (John i. 14, 16), and as the vine by which the branches bear their fruit (xv. 4). If it be true that it was at the supreme moment of His death on the cross that Jesus conferred the highest divine favours on the world, we must recognize this death as the instrumental cause of our salvation. By reason of the divine virtue that passed into it, it became an inexhaustible source of grace for all the world, capable of purging away all sins, past, present or to come. It

remains only to enter into contact with it by faith, at least implicit, and by the sacraments of the faith.[1]

B. The Liturgical Character of the Christian Religion

It follows that a cultus, a liturgy, a ministry, is at the heart of Christianity. "Having therefore a great high priest that hath passed into the heavens, Jesus the Son of God: let us hold fast our confession" (Hcb. iv. 14). "We have such a high priest, who is set on the right hand of the throne of majesty in the heavens, a minister [/riZourgoj] of the holies, and of the true tabernacle, which the Lord hath pitched, not man" (viii. 1-2). "But now he hath obtained a better ministry, by how much also he is a mediator of a better testament" (viii. 6). "Then said I: Behold I come to do thy will, O God: he taketh away the first that he may establish that which followeth. In the which will we are sanctified by the oblation of the body ofJesus Christ once. And every priest indeed standeth daily ministering, and often offering the same sacrifices, which can never take away sins. But this man offering one sacrifice for sins, for ever sitteth on the right hand of God . . . For by one oblation he hath perfected for ever them that arc sanctified . . . Now where there is a remission of these, there is no more oblation for sin ^ »O\

God and the world could of course have been reconciled in many various ways; but what do these texts mean if not that in fact the reconciliation was accomplished in a ritual drama in which Jesus offered His life to God and communicated grace to men? Our salvation is the fruit of the noblest of all acts of love, which because it came from a Man and was to be a rallying-point for men, expressed itself in a visible sacrifice, preordained by God from all eternity. A liturgy, ascending and descending, is at the root of the Christian religion. It constitutes as it were its framework. It cannot be detached from it—not at any rate without tearing Scripture to bits and changing Christianity into something else.[2] The Priest of this liturgy is Christ. "Although He is priest not as God but as man, He who is priest and who is God is but one and the same Being."[3] And if the priest is a mediator consecrated to send up the prayers of the people to God, and to bring the favours of God down on the people, it is clear that no one ever was or ever will be a priest like Christ, "a priest for ever according to the order of Melchisedcch"[4] and "mediator of the New Testament".

[1] cf. St. Thomas, III, q. 48, a. 6; cf. ad 3: " Passio Christi, secundum quod comparatur ad divinitatem ejus, agit per modum efficientiae and q. 49, a. I, ad 3.

[2] The sacrifice of Christ is opposed, in the Epistle to the Hcbre\s*s (x), to the sacrifices of the Old Law which no longer pleased God, both because the time was at hand when figures had to make way for the reality, and because they were offered hypocritically and without love. Such sacrifices, so offered, were what Jesus condemned in the Pharisees when He reminded them of the text of the Prophet Osec: 'k Go then and learn what this mcancth: I will have mercy and not sacrifice" (Matt. ix. 13; xii. 7).

[3] St. Thomas, III, q. 22, a. 3, ad I.

[4] Jesus is called " priest according to the order of Mclchiscdech " for two reasons. First, as the Epistle to the Hebrews (vii) explains, because the levitical priesthood, finally eclipsed by the

I shall have occasion to point out later that, as Man once more, Our Lord is also King. God, Priest, King: all these characters arc conjoined in the opening vision of the Apocalypse: the white hair of one "like to the Son of Man", signifying His pre-existence and eternity; the long tunic, signifying His priesthood; the golden girdle, His royalty. His divinity is incommunicable. But His priesthood, His kingship and His grace overflow on to the Church which is His Body.

Just as God, wishing His own creatures to bear some likeness to Himself, has given them not only being but also activity, making them (in dependence on Himself as First Cause) true causes in their turn; so Christ, coming to take up the work of creation and make all things new among men, gave them not only the power of entering into union with Him, but also the power of acting in Him, of becoming (in total dependence on Himself) true causes themselves, offering the world to God with Him and likewise with Him giving God to the world. Nothing could be more wonderful than the confidence God thus shows in His creatures, making them co-operators with His own providence and with Christ's redemption. "For we," says St. Paul, "are God's coadjutors" (i Cor. iii. 9). And having recalled that God has reconciled us to Himself by Christ's mediation—that God was in Christ reconciling the world to Himself—he adds that this same God has given him i.e., Paul—the "ministry of reconciliation" and has placed in him the word of reconciliation"; so that, as he goes on, "we are ambassadors for Christ, God as it were exhorting by us" (2 Cor. v. 18-20).

The Spirit of God, the Divinity whole and entire, descended at the instant of the Incarnation on the humanity of Christ, the Anointed, like an unction. He consecrated, sanctified and spiritualized Him in two ways. First by making Him the Head, the Ruler, the High Priest of a supreme cultus in which heaven and earth should meet: there we have the sacramental or sacerdotal consecration, sanctification, spiritualization. Then, by making Him the Head, the Source, of the supreme outpouring of sanctity reserved for the last age of the world: there we have the consecration, sanctification, spiritualization of grace and of charity. Christ received these two consecra-

perfect priesthood of Christ on the cross, had been of old momentarily effaced by the better priesthood of Melcbiscdech. The book of Genesis ixiv. 20) represents Abraham, from whom the levitical priesthood was to issue, as paying tithes to Melchisedech, king of Salem and priest of the Most High. Secondly, as noted by the Council of Trent (cf. Denz. 938), because, just as Melchisedech, going before Abraham, brought bread and wine (Gen. »v. 18), so Jesus, at the Last Supper, offered His Body and Blood under the appearances of bread and wine. In connection with those passages of the Epistle to the Hebrews which oppose Jesus the one Priest to the succession of the levitical priests, we note that the power of " the priests " to-day is not there to *supplent* the supreme mediation of Jesus, but to *make it present.* He alone is *the* perfect Priest. They are //ir priests, that is to say mere ephemeral ministers dispensing His eternal redemption to all ages.

tions, these two sanctifications, these two spiritualizadons, as Head and Chief of a restored humanity: the first consecrated Him as Priest, the second as Sanctifier or as Saviour.[1] Both are to overflow from Him upon all those who become His members and form His Body, as the nervous impulses start from the head to move the whole body. Something parallel may be noted in the case of the third communicable privilege of Christ, His spiritual kingship over minds in the speculative and pracdcal orders; which is to be poured out on men by means of the jurisdicdonal power.

The Church thus appears as an extension to men of the communicable privileges of Christ. Taken in her fullness and perfection she results from a triple incorporation of men into Christ their Head by way of influx into them of something of His priesthood, something of His grace, and something of His truth. She participates in the privileges of Christ the Priest, Christ the Sanctifier or Saviour, and Christ the King. Her mission will not be simply to recall memories, however great and divine they may be, but really and efficaciously to continue through space and time the first initiative taken by Christ in inaugurating on the threshold of the last age a new cultus, communicating a grace that of itself looks to the redemption of the whole world, and openly and authoritatively proclaiming the message of deliverance to human minds.

Let us now return to the first of these incorporations with Christ, that effected by the sacerdotal or sacramental power.

D. Incorporation with Christ the Priest

All those on whom the consecration, the sacerdotal sanctification of Christ, is bestowed, are consecrated and sanctified in His likeness in the line of the cultus or *sacerdotium*.[2] They will be incorporated with Christ the Priest. Something of the inalienable spiritual power which made of Christ the unique Priest will pass into them along with the sacramental power or character of Baptism, Confirmation and Order; spiritualizing them, making them the ministers, the instruments, the co-operators of the one sole eternal Priest. They will be admitted to participation in the cultus offered once by the unique Priest, but availing for all ages. One after the other they will be

1 Since Christ's cultus was ordered to His grace we could bring these two consecrations together and attribute them to Christ as Priest (or, on the other hand, to Christ as Saviour). We speak more strictly in attributing die first to Christ as Priest and the second to Christ as Saviour. Λ third privilege will concern Christ as King.

2 All the sacraments, say's St. Thomas, confer the consecration of grace. But three of them, Baptism, Confirmation and Holy Order, confer a sacerdotal consecration as well: "Sanctificatio autem duobus modis accipitur. Uno modo pro *emundatione,* quia sanctum est mundum. r\lio modo pro *mancipatione ad aliquod sacrum,* sicut dicitur akare sanctificari, vel aliquod hujusmodi. Omnia ergo sacramenta sunt sanctificationes primo modo . . . Sed quaedam sunt sanctificationes etiam secundo modo, sicut patet praecipue in ordine, quia ordinatus mancipatur ad aliquid sacrum . . . Quicumque autem mancipatur ad aliquid sacrum spirituale exercendum, oportet quod habeat spiritualem potestatem, et solum talis. Et ideo non omnia sacramenta novae legis characterem imprimunt, sed quaedam, quae etiam secundo modo sanctificationes sunt " *(IV Sent.,* dist. 4, q. i, a. 4, quaesi. 2).

called to enter into the current of the ascendant mediation; to offer to God, by Him, with Him, and in Him, all the men of their generation. And similarly they will be called to enter the current of the descending mediation, so that by Him, with Him, and in Him they may give God to all men of their generation.

All down the course of history, then, there will be men incorporated with Christ the Priest, participating in the spiritual unction of His inalienable and sovereign priesthood, drawn in the wake of His divine liturgy. The mediating priestly action of the Head will be transmitted and diffused throughout the body. Fully achieved once and for all where Christ Himself is concerned, it remains unfulfilled with respect to those who, being His members, have to continue to work down the ages, by Him, with Him, and in Him, for the salvation of the world. It was carried out in the Head at the origination of the New Covenant, but so that it might reverberate through the body throughout history. It entered time in order to remain always really present, as opposed to being caught up out of it at once, leaving only a memory, however divine. An efficacious presence through the ages, no mere memory—that is the mystery of the essential priesthood of the Head, sustaining the purely ministerial priesthood of the members, and of the body which is the Church. The Church will not exist in its fullness save there where the priesthood of Christ and the Christian cultus continue still to operate.

But since it brings us the presence of the Mediator "who gave himself a redemption for all" (i Tim. ii. 6), this visible cultus is not offered solely for those who belong visibly and completely to the Church. It is offered also for those who belong to her invisibly and incompletely. Indeed, it is offered for all men: for, says St. Paul, it is good and acceptable to God our Saviour "who will have all men to be saved, and to come to the knowledge of the truth", that "supplications, prayers, intercessions and thanksgivings be made for all men" (i Tim. ii. i and 4).

Consequently, we have to recognize two categories of the saved. The first, invested with the sacramental characters, are able to participate in the very exercise of the redemptive cultus; the others, lacking the sacramental characters, can participate only in the satisfactory effects of the Christian cultus, and that in a measure inevitably incomplete. The first are saved inasmuch as, united to Christ, they continue to offer the redemptive sacrifice for all men of their generation; the second are saved inasmuch as the redemptive sacrifice continues to be offered for them by Christ and the Christians of their generation. The first are borne up by Christ that they may bear others up; they are full members of Christ; they, with Him, and as incorporated with Him as Priest,[1] are members who redeem and save. The second are borne up by Christ and by the first sort of members; they are members of Christ incompletely, they can only be redeemed and be saved.

[1] On incorporation into Christ, the King and Prophet, by the preaching of the truth, and on incorporation with Christ the Redeemer by sacramental grace, cf. below, pp. 511 and 513.

3. *THE CONTINUATION OF THE CHRISTIAN CULTUS IN THE CHURCH*

The Christian cultus, initiated by Christ, is continued in the Church in all its essentials, in two ways: by the bloodless sacrifice and by the sacraments.

A. The Bloodless Sacrifice

I. When He appeared as "the high priest of the good tilings to come Christ made "the oblation of liis body once" and "obtained eternal redemption" (Heb. ix. ii, 12; x. 10). It was in the predestined offering of a moment that the eternal God, and the still unended succession of ages, were reconciled. The blood-stained cross remains planted for ever at the centre of the true religion. It brings fresh vitality to dying souls, dispenses life, softens the hardness of hearts: in that day, said Jahve by His prophet, "I will pour out on the house of David and upon the inhabitants of Jerusalem, the spirit of grace and of prayers, and they shall look upon me whom they have pierced. And they shall mourn for him as one moumeth for an only son." It purifies from sin: "In that day there shall be a fountain open to the house of David and to the inhabitants of Jerusalem: for the washing of the sinner" (Zach. xii. 10; xiii. 1). It must be made present everywhere.

"Lord, if you had been here, my brother had not died." Christ did not deny it. He had indeed said something of the same sort to the disciples: "Lazarus is dead, and I am glad for your sakes that I was not there, so that you may believe." But when the two sisters came to Him one after the other, when Mary was at His feet and "when he saw her weeping, and the Jews that were come with her weeping", then "He groaned in the spirit, and troubled liimself, and said: Where have you laid him?" (John xi). There are supplications that can be resisted at a distance, but not face to face. Martha and Mary knew it, and God knows it too. That, precisely, is why the Word was made flesh and dwelt among us. And that too is why, having been lifted up on the cross to draw all men to Himself, He desired that the cross itself should continue present, not distant, carried down on the flow of time. Having therefore delayed until the supreme sacrifice was already beginning, He founded the mysterious institution which was to be its vehicle and to perpetuate its virtue. The liturgy of Maundy Thursday which the disciples were to reproduce "in memory of him" would truly bring to all later generations His Body "given for us", and the Blood "of the New Testament", "shed for us" (Luke xxii. 19-20), "for the remission of sins" (Matt. xxvi. 28). Those who "eat this bread and drink the chalice" show "the death of the Lord" (1 Cor. xi. 26) until He comes to substitute for this repast in which the realities remain veiled under the sacramental signs, the repast in which they become manifest, and in which the faithful will drink the wine of love from the unmixed chalice "in the kingdom of his Father" (Matt. xxvi. 29).

In sum, the bloody sacrifice is brought to each one of us by the renewal of the bloodless rite instituted at the Last Supper; round which the Church is gathered and to which she clings.1

2. Let us be quite clear about this bloodless rite. It is not substituted for the bloody sacrifice. It is subordinated to it. The bloodless rite of the Mass is a real and true sacrifice because Christ and His sacrifice on the cross are not merely figured there, but also really and truly made present. Just as several consecrated Hosts are by no means several Christs, but several real presences of the one Christ, so, to speak strictly, several Masses do not make several sacrifices, but several true presences of the one sacrifice.*

1 The whole evangelical mystery of the Eucharist is faithfully expressed in the prayer of the Missal where it is said that: "As often as the commemoration of this offering is celebrated, the work of our redemption is carried out *hujus hostiae commemoratio celebratur, opus nostrae redemptionis exercetsr]* ** (Dam., IX post Pent.).

*The Mass is Christ bringing us the bloody sacrifice of the cross in a bloodless rite.

In a little work on the sacrifice and the rite of the Mas *{Opuscula,* Venice 1612, vol. III, tract, io) which he addressed on the 3rd May 1531 to Pope Clement VII and directed against the Lutherans, Cardinal Cajetan seems to have got deeper than other theologians into the thought of St. Thomas (III, q. 83, a. 1) concerning the essence of the sacrifice of the Mass.

Luther, as we know, held that the Eucharist truly contains the Body and Blood of Christ. But, in opposition to the universal belief of the Roman Church and of the dissident Oriental Churches, he denied that it is a *sacrifice.* He therefore also denied that it is an *expiatory* rite for the living and the dead.

To establish that the celebration of the Eucharist contributes to the expiation of sins, Cajetan had only to cite the words of Jesus in the account of the Last Supper as given by St. Matthew: "This is my blood of the New Testament, which shall be shed for many *unto remission of sins"* (xxvi, 28).

He show's next that the sacrifice of the Mass, far from derogating from the sacrifice of the cross, is one with it, and prolongs it to our own day. Christ offered Himself on the cross in a bloody manner and offers Himself on the altar in a bloodless manner. But the daily repetition of the bloodless rite docs not make a new sacrifice. First, because the reality present, on the cross and on the altar, is identically the self-same Christ. Next, because the bloodless rite is not *juxtaposed* but *subordinated* to the bloody sacrifice. Far then from supplanting it, it is but the vehicle of that remission of sins which Christ then obtained for us.

Here, in the original text, arc some lines of the delicate discussion in which, thirty years before the Council of Trent, this great theologian treated the mystery of the Mass:

> "Hostia cruenta et incruenta non sunt hostiae duae, sed una hostia. Quia *res* quae est hostia, est unamet res; non enim Christi corpus in nostro altari est aliud ab illo Christi corpore quod oblatum est in cruce, nec sanguis Christi in nostro akari alius est ab illo Christi sanguine qui fusus est in cruce. *Modus* vero hanc unam eandemque hostiam immolandi, alter est. Quia ille unicus *substantialis* ac primaevus immolandi modus, fuit cruentus, utpote in propria specie, corporis fractione, in cruce sanguinem funderis; iste vero quotidianus, externus, *arcessoriusque* modus, est incruentus, utpote, sub specie panis et vini, oblatum in cruce Christum, immolatitio modo repraesentans.
>
> Quodarca. Novi Testamenti hostia cruenta et incruenta, unica est ex parte *rei* oblatae. Et ex parte *modi* offerendi, licet sit diversitas, quia tamen iste modus (scilicet incruente immolare) non est, secundum seipsum, tanquam disparatus modus immolandi institutus, sed dumtaxat ut refertur ad cruentam in cruce hostiam, consequens est apud sapientes et penetrantes quod 'ubi unum nonnisi propter alterum, ibi unum dumtaxat est', consequens, inquam, est, *non posse affirmari, proprie loquendo, duo sacrificia, aut duas hostias, aut duas oblationes, immolationes et quovis nomine appelles, esse in* -Voco *Testamento* ex hoc quod est, in hostia cruenta, Christus in cruce, et in hostia incruenta, Christus in altari; *sed esse unicam hostiam, semel oblatam in cruce, perseverantem, modo immolatitio, quotidiana repetitione, ex institutione Christi, in Eucharistia . . .*
>
> In Novo Testamento non *repetitur* sacrificium, seu oblatio, sed *perseverat,* immolatitio modo, unicum sacrificium semel oblatum; et in *modo* perseverandi intervenit repetitio, non in ipsa *re*

THE POWER OF ORDER

It was to multiply, not the supreme sacrifice, but its presence among men that Our Lord, ou the night that He was betrayed, having taken bread and having broken it, saying: "This is my body which shall be delivered for you", added these words reported by St. Paul and St. Luke: "This do for the conunemoration of me"; and that having taken also the chalice, saying: "This chalice is the New Testament in my blood", He added, as St. Paul again notes: "This do, as often as you shall drink, for the commemoration of me."[1]

The bloodless rite of Maundy Thursday therefore not only symbolises the bloody immolation of Good Friday but also places us in the presence of it, and the Church has power to renew it. In place of the bloody rites of Israel she offers a pure oblation, a sacrifice unbloody in its mode, in the sight of the whole world, as already foretold by the prophet Malachias (i. 10-11): "I have no pleasure in you, saith the Lord of hosts, and I will not receive a gift at your hand. For from the rising of the sun even to the going down, my name is great among the Gentiles; and in every place there is sacrifice, and there is offered to my name a clean oblation. For my name is great among the Gentiles saith the Lord of hosts." A sacrificial meal, whose incomparable mystery St. Paul was to point out to the Corinthians, is to follow this offering, which is therefore truly a sacrificial offering. When they ate victims offered to idols, the pagans believed themselves to enter into union with the idols; which are nought. When they ate the victims offered

oblata; nec etiam ipse, qui repetitur, modus, concurrit ad sacrificium propter se, sed propter oblationem in cruce commemorandam incruente . - .

Absit a fidelium mentibus etiam cogitare quod ad *supplendam* efficaciam hostiae in cruce oblatae celebretur missa: celebratur enim tanquam *vehiculum* remissionis peccatorum per Christum in crucc factae; ita quod, quemadmodum non est alia hostia, ita non aliam affert remissionem peccatorum."

The sacrifice of the cross suffices of itself to intercede for the men of every age. And yet, as Scripture witnesses, it does not make useless the perpetual intercession of Christ in heaven—" he is also able to save for ever them that come to God by him: always living to make intercession for us "[1] (Hcb. vii. 25). The glorious intercession ratifies the sorrowful intercession *by which it continues to save the world.* The bloodless rite of the Mass, which brings down into our midst the glorious intercession of heaven, and *ratifies the sorrowful intercession of the aoss which is efficacious throughout all time,* derogates from neither of these intercessions: it is subordinated to them. Cf. ray opusculum *La sainte messe ou la permanence du sacrifice de la loi nouvelle,* in the scries *La Pensée catholique,* Liège 1937.

[1] i Cor. xi. 23-32. Père Allo in an excursus entitled *Synthèse et origine de la doctrine eucharistique de Saint Paul,* minutely studies this text and that of I Cor. x, 14-22 from an exegetieal standpoint, and establishes that they expressly contain the whole doctrine that has remained the Catholic doctrine, " which thus takes the Catholic dogma of the sacrifice of the Mass back to St. Paul, contrary to all the various Protestant theories". He adds: " The ' realism \ the ' sacramentalism and in a word the *Catholicism* of St. Paul, is no longer in doubt for any of those whose minds have shaken off the dissident confessions of faith. As for the question of the eucharistie sacrifice, which along with transubstantiation was the old subject of controversy between Catholics and Protestants, it seems that we arc on the way to an agreement with critics emancipated from the Churches . . . The historical evidence more and more inclines diem to recognize that St. Paul presents all the essential lines of the dogma of the Eucharist—as also of others. Thus St. Paul is more or less openly given back to us, and that is no small thing " *{Première épître aux Corinthiens,* Paris 1935, PP· 3°5 and 307). Of course, if Catholicism is in St. Paul, the rationalist critics do not therefore conclude that Catholicism is right, but that St. Paul is wrong.

to the true God, the children of Israel believed themselves to enter into union with the true God. But now neither the sacrifices of the pagans, nor even those of Israel, are permitted any longer, under pain of provoking the jealousy of the Lord; for now, when they cat the bread and drink the wine of their sacrifice, which are the "Body" and the "Blood" of Christ, Christians do truly drink of the chalice of the Lord and do truly partake of the table of the Lord: "The chalice of benediction which we bless, is it not the communion of the blood of Christ? And the bread which we break, is it not the partaking of the body of the Lord? For we, being many, arc one bread, one body, all that partake of one bread. Behold Israel according to the flesh: are not they that eat of the sacrifices partakers of the altar? .. . But the things which the heathens sacrifice, they sacrifice to devils, and not to God. And I would not that you should be made partakers with devils. You cannot drink the chalice of the Lord and the chalice of devils; you cannot be partakers of the table of the Lord, and of the table of devils. Do we provoke the Lord to jealousy? Are we stronger than he?" (i Cor. x. 16-22).1 The redemptive sacrifice—consummated once and for all on the part of the Saviour who is the Head, but not yet so on the part of men who are the members as long as any yet remain to be saved, to be incorporated with the sufferings and death of their Head ontinucs to work itself out in the Mass, and to incorporate successive generations until the Body of Christ, which is the Church, shall be complete.

3. The virtue of the redemptive sacrifice, thus perpetuated and brought before us in the daily bloodless rite of the Mass, is, *in itself,* infinite, and capable of remitting all the sins of the whole world.2 But *infact* this infinite purification is participated only in a finite measure, so that it can always increase. In the intercession of Christ, to be sure, and even in that of Our Lady and the saints of heaven, there is more than enough love to save all the sinners on earth, and all the souls in purgatory; but the effects of this sovereign intercession are applied to us only in virtue of a profoundly mysterious dispensation. In part, no doubt, they are bestowed on us directly, immediately, and fill us with prevenient graces. But also to a large extent they are bestowed only in proportion to the zeal and charity of the Church here below. God, who has placed His Church in time, takes account of her prayer and her charity when He wills to act on her in time. It has been said: "Just as in a single star there is heat enough to melt all the glaciers on earth, and still we have winters; just as, to make the arm of a lever act, you have to

'cf- E.-B. Allo, O.P., *P'mibrt Ip'itrt aux Corinthiens,* pp. 239-243, and 302 ct seq.: also Hebrews xiii, 10: " We have an altar whereof they have no power to eat who serve the tabernacle."

* The infinite meritorious virtue of the death of Christ is due *radically* and *presuppasitireh* to the " grace of union it is due p-orimalrij and/onnaZZjr to " habitual grace ". Even without habitual grace the grace of union would have sufficed to invest all Christ's actions with an infinite value. Cf. John of St. Thomas, III, q. 8, disp. to, a. 1, no. 50; vol. VIII, p. 26t. Cajetan said that the aerifice of the Mass, being the very immolation of Christ, has an infinite impetrator/, meritorious and satisfactory value of itself and *absolutely,* but is in fact *applied* to us in proportion to the devotion of the Church which offers it, and of those for whom it is offered *{Opuscula,* vol. II, tract. 3 q 2) See .Voca *it citera,* 1932, p. 193.

have a fulcrum; so God wills that heaven's interventions in this world arc find a fulcrum on earth. Where is it found? In the saints still wayfaring in this life."[1] And that is why Our Lord prompts the best of His servants continually to offer His bloody passion to the Father for the conversion of the world.[2]

Participation in the redemptive sacrifice is brought about already by prayer, by "faith", or better still by the "sacraments of the faith", notably by the Eucharist. Wc may say that the devotion with which the whole Church militant unites herself with the redemptive sacrifice in Holy Communion, decides from moment to moment both the extent and the quality of her conquests; and the marvellous expansion of the Church on the morrow of Pentecost may be attributed to the unimaginable fervour of love with which Our Lady and the Apostles communicated. Each Mass is a mine ready to produce an explosion in the Church, and in truth producing an explosion in souls fully open to love. Père Rabussicr, whom I have just quoted, rightly says that "the prayer of the Church glorified owes all its efficacy on earth to someone who receives Communion, and is thus in touch with Calvary and the Cross."[3]

In speaking of the measure in which the redemptive sacrifice is applied to us when placed before us in the bloodless rite of the Mass, we have had to leave for a moment the question of the strict validity of the rites and to enter the higher domain of love and sanctity to which the whole Christian cultus is ordered. We must return now to the cultus itself.

1 L. E. Rabussier, S.J., " Quelques notes sur le ' manage spirituel ' ", *Revue d'ascétique ft ώ mystique,* 1927, PP· 289 to 291. I have slightly altered the text. The author wrote: " God wills that *all* heaven's interventions here below shall find a fulcrum on earth." As for the Church in purgatory, wc shall sec later on that it remains dependent, in a way, on the Church in time.

3 " O Father, why do you tarry? So long ago it was that my beloved poured forth his blood. I approach you in the interests of my Spouse . . . You will keep your word, O Father, for you have promised him all nations " *{Ecrits spirituels de Marie de ΓIncarnation, Ursuline,* ed. Dom Jamet, vol. II, p. 311). 0 Every night between Thursday and Friday you shall share this mortal distress which indeed I wished to undergo in the Garden of Olives, and which will reduce you, without your being able to understand it, to a kind of agony harder to support than death. And to accompany me in the humble prayer I then addressed to my Father in the midst of all my anguish, you arc to rise between eleven o'clock and midnight to prostrate yourself for one hour with me, with your face to the earth, as much to soften the divine anger by asking mercy for sinners as to sweeten the bitterness I felt when abandoned by my Apostles, a bitterness that forced from me the reproach that they could not watch one hour with me " *{Life of St. Margaret Mary Alacoque,* written by herself). To another Visitandinc, Sister Marie-Marthe Chambon, Jesus showed His wounds, saying: " My daughter, behold the world's treasure. The world docs not want to recognize it. Here is something that can pay all debts ", and He taught her this prayer which she pledged herself to say lovingly every ten minutes: " Eternal Father, I offer you the wounds of Our Lx)rd Jesus Christ, to heal those of our souls " *{Vie de la soeur Marie-Marthe Chambon,* Chambéry 1928, pp. 62 and 63).

3 *Revue d'ascitique et de mystique,* p. 291. In connection with the text of St. Peter, addressed to all Christians—" be you also as living stones built up, a spiritual house, a holy priesthood, to offer up spiritual sacrifices acceptable to God by Jesus Christ "—(1 Peter ii, 5), Cajetan writes in his third *Jentaculum'.* " The Victim of the New Testament surpasses all others because He is Christ Himself, our God. But the offering of His sacrifice, if wc consider those who offer it, is not always better than 'spiritual victims'; there arc times, alas, when it is very inferior." The "spiritual victims " arc acts of virtue performed in God's honour.

B. The Sacraments

Before ascending to heaven Christ willed to institute certain mysterious rites which were to signify the multiple riches of redemptive grace, and bring them to each particular man. These are the sacraments of the New Law.

They are, above all, instruments by which the virtue of the Passion of Christ is brought to us; and it was for a sign of this, say the Fathers, that from the wound in Christ's side there flowed water and blood, symbolising the two principal sacraments, Baptism and the Eucharist. This is their highest, but not their sole function. For each sacrament furthermore supposes, both in minister and recipient, certain positive acts of the cultus which depend for the most part both on the sacramental power for their validity and on the virtue of religion for their moral quality. For the moment however we shall consider the sacraments only in their immediate relations with the ontological realities of sacramental grace and of the sacramental power.

Just as the material pencil of a Michelangelo can make the spiritual beauty of a human countenance appear on the paper, so certain very humble visible things—the sacraments—are able in the hands of God to place immaterial realities in the depths of souls. This, to be sure, is not done independently of the dispositions of the subject, dispositions which will always be required (merely negative ones, of course, in the child who has not yet personally sinned, but positive ones in the adult) ; but it is done in a measure surpassing these dispositions, though in proportion to them, in such a way that he who approaches with two talents will come back with four, and he who has four with eight. Here once more the Gospel words are verified: "In what measure you shall mete it shall be measured to you again, and more shall be given to you. For he that hath, to him shall be given; and he that hath not, that also which he hath shall be taken away from him" (Mark iv. 24-25).

That Christ's redemption comes to us through the sacraments of the New Law is a mystery expressly noted in Scripture, for example, in connection with Baptism: "Amen, amen, I say to thee, unless a man be born again of water and the Holy Ghost, he cannot enter into the kingdom of God" (John iii. 5). "For we that are dead to sin, how shall we live any longer therein? Know ye not that all we, who are baptized in Christ Jesus are baptized in his death?" (Rom. vi. 2-3). God the Father has saved us "by the laver of regeneration [palingCTi«ù] and renovation of the Holy Ghost, whom he hath poured forth upon us abundandy through Jesus Christ our Saviour" (Tit. iii. 5, 6). And St. Augustine asks, in a formula which has become traditional: "Whence has the water such virtue that it touches the body and cleanses the heart?"[1]

Interior regeneration, the life of the spirit, purity of heart, in a word, sanctifying grace—that is the chief effect of the sacraments of the New Law.

[1] *In Jocnms* Eccmg., tract. Bo, no. 3.

And doubtless the sanctifying omnipotence of God is not circumscribed by the sacraments *{potentia Dei sacramentis visibilibus non alligatur)*; it overflows them in every direction and carries the gift of the Holy Spirit all over the world. It is none the less true that these sacraments are the normal and privileged means of sanctifying grace.[1] In passing through them it acquires in some sort those singularly rich virtues on account of which we call it sacramental grace. It receives the power of producing certain special effects characteristic of the Christian life, "ordinantur . . . sacramenta ad quosdam speciales effectus necessarios in vita Christiana."[2] From this it results' that the Mystical Body of Christ will be faithfully reproduced in space and time. Thus to simple sanctifying grace, sacramental grace adds a new divine aid, a particular perfection. Sacramental grace is, as it were, a richer and more immediate participation of the communicable sanctity of Christ. Thence comes to the Church all that is most consummate in her sanctity, all that is most inward of her beauty, all that is closest to perfection in her likeness to Christ.

With the power to perpetuate the redemptive sacrifice of Christ which brings to each generation the whole undivided virtue of the Passion, the Church has thus the power to dispense its multiple effects to each particular man by the sacraments of the New Law. Thus is fulfilled the cultus in spirit and in truth.[3]

3. *THE SACRAMENTAL POWER COMMON TO ALL CHRISTIANS, AND THE SACRAMENTAL POWER OF THE HIERARCHY*

If Christ had to be consecrated as High Priest to inaugurate the cultus of the New Law, something of His consecration will have to be communicated to those whose duty it will be, as His ministers, to continue this cultus through all time for the salvation of all men.

The consecration left by Christ to His ministers, the diminished imprint of His sacerdotal or liturgical power, is constituted by what are commonly called the sacramental powers or characters. There are three of them. But from the standpoint of the treatise on the Church they will have to be put into two groups.

[1] We could say: the *perfect* means and even, in a sense, the *universal* means, of grace, cf. above p. 12.

[2] St. Thomas, **III**, q. 62, a. 2.

[3] I should like to recall in tills connection the very just remark of a rationalist exegete: "The notion of * worship in spirit and in truth ' commonly held by Protestant theologians, is no more rational than it is evangelical . . . Christ's reference to * worship in spirit and in truth ' (John iv. 23-24) docs not oppose a purely interior to an exterior worship; but a worship that can be called inspired, spiritualized, the Christian worship which the Evangelist knew, and which is quickened with the Spirit given to believers, the worship that can be carried out everywhere, is substituted for the localised worship at Jerusalem or on Mount Garizim. The Evangelist who gives us the formula of worship in spirit and in truth is the same who gives us the formula of the Incarnation. The two correspond: God is Spirit, and so also is His Word; the true worship is spiritual, because founded on the communication of the divine Spirit; but as the God-Spirit manifests Himself in the Incarnate Word, the life of the Spirit communicates and sustains itself by the spiritual sacraments, the water of baptism, the bread and wine of the Eucharist" (Loisy, *L'Evangile et L'Église,* p. 258).

In the one group we shall put the two sacramental powers which in themselves are common to all the members of the Church, namely the power or character of Baptism, and the power or character of Confirmation (Section II). In the other we shall put the power or character of Order which belongs exclusively to the hierarchy, and comprises several degrees (Section HI).

II. THE SACRAMENTAL POWER COMMON TO ALL MEMBERS OF THE CHURCH

r. THE EXISTENCE OF A SACRAMENTAL POWER

All who would be saved must, in some way or other, be in touch with the divine liturgy of redemption. When, even invincibly (and so non-culpably), they know nothing of it or misconceive it, they must still, if they arc to be saved, be in accord with it in their innermost desire, that is to say by living faith—buried, it may be, in the ashes of their hearts—without which "it is —pcxible to please God" (Heb. xi. 6).

But an attachment by desire alone to the liturgy of redemption, although it may be enough to make them partake initially and in a measure of the final *effect* of the Christian cultus—that is to say of redemptive grace—does not enable them to participate in the *exercise* of the cultus, which nevertheless, by Christ's will, is to be perpetuated in time. A new spiritualization, a new and original power will therefore be needed in those who validly exercise this cultus. We wall call it the sacramental power *{pouvoir cultuel).*

Christ is the principal cause of the Christian cultus, and men are the instruments He uses to perpetuate it on earth. But in this case, as St. Thomas remarks, "the instrument must needs be proportionate to the agent",1 so that the spiritual virtue of Christ the Priest must here descend on His ministers and be shared by them. Hence the sacramental power.

A traditional, immemorial and constant usage, whose roots appear in Scripture itself, shows us that believers, even if saints, cannot all indifferently and validly pronounce the eucharistie words over the bread and wine, nor impose their hands on the baptized; nor can all indifferently be admitted to the Eucharist or the other sacraments: "Let none eat and drink of your eucharist save only those who arc baptized in the name of the Lord', as it says, for example, in the *Didache* (ix. 5). Hence it appears that the essential acts of the Christian cultus presuppose in those who carry them out (save for the reception and even for the conferring of Baptism) a power in whose absence they will be invalid and ineffective.

This power is not to be had by simply desiring to participate in the Christian cultus. It comes from the effective reception of certain sacraments and that is why it can be called the sacramental power, the sacramental character the sacramental sign. It consists in a "sacring", in a consecration. Although

x *IV Can.* Gm., cap. bodv.

all the sacraments sanctify, first of all in the primary and chief sense that they confer grace, which purifies from sin, three sacraments, namely Baptism, Confirmation and Holy Order, sanctify further in this second sense, that they confer a sacramental power, a consecration, a spiritualization, which enables the recipient effectively to cany out the acts of the Christian cultus, summed up in the sacrifice to be offered and in the sacraments to be received or dispensed.[1] Of these three consecrations the baptismal consecration is the only one which can be conferred, if need be, by a minister who does not yet possess it himself. The other two sacramental consecrations cannot be transmitted save by a minister who already possesses them, so that the sacramental power comes down to us from Christ and the Apostles through a strict continuity of transmission which cannot suffer the least interruption without being irretrievably lost.

2. *THE NATURE OF THE SACRAMENTAL POWER*

Because He subsisted in the divine Person of the Word, and because His soul was filled with all the powers needed to save the world, Christ was consecrated to institute the Christian cultus and to prescribe the manner in which this cultus, henceforward alone pleasing to God, should be perpetuated. All those who possess, in any degree whatsoever, the power to continue the Christian cultus, participate directly in the sacerdotal consecration of Christ. The simple sacramental power given at Baptism is already enough to incorporate us with Christ, Chief and Head of the Christian cultus, and makes us members, ministerial organs, living, free and spiritual instruments of it. It associates us initially with the sacerdotal work of Christ, and engenders us to the Christian religion, to the Christian liturgy.[2]

The sacramental power, like grace, is an invisible,[3] spiritual and supernatural reality. It is, however, distinct from grace. The latter perfects man immediately on the moral plane of personal sanctification, "in ordine ad

1 " Per *omnia sacramenta* sanctificatur homo secundum quod sanctitas importat munditiam a peccato, quae fit per *gratiam*\ sed specialiter per *quaedam sacramenta,* quae characterem imprimunt, homo sanctificatur *quadam consecratione,* utpote deputatus ad cultum divinum " (St. Thomas, III, q. 63, a. 6, ad 2). Scheebcn *{Die Myslerien des Christenfums,* 1865, θ3> PP· 55° an^ 557), wrongly calls Baptism, Confirmation and Order the " hierarchic" sacraments; the hierarchy begins only with the sacrament of Order. On the other hand Scheebcn distinguishes four " consccratory " sacraments; and that is too many if we think only of those three consecrations which are characters, and too few if we admit that Matrimony and Extreme Unction confer a kind of consecration: for they' actualise the receptivity of the baptismal character, so that it becomes impossible to repeat them during, respectively, the life of the spouses or during the same danger of death.

3 " Baptism, inasmuch as it generates *children of adoption* has the quality called grace for its principal effect. But inasmuch .as it generates a Christian, that is to say *a member of the Christian religion,* of the Christian family, its principal effect is the character " (Cajetan, *in III,* q. 69, a. 10 no. iv.) We add that sacramental grace makes us members of the Christian family much more intimately still than the sacramental character.

3 The signs are visible. If the character, which is invisible, can be a sign, that is because it is stamped upon us by a visible sacrament. We know, for example, that someone has the baptismal character, if we know' that he has received the sacrament of Baptism (St. Thomas, III, q. 63, a. 1, ad 2).

sancte agendum"; the sacramental power perfects man immediately in view of the valid exercise of the Christian cultus, "in ordine ad valide operandum". And although the Christian cultus is itself ordered to the production of grace as to its ultimate effect, it remains true that its valid exercise is one thing and its ultimate effect another, and that this latter will sometimes be hindered by human perversity.

The sacramental power, unlike grace, can never be lost once given; and that is why the sacraments that confer it cannot be repeated. St. Augustine notes the fact in connection with the consecrations given by Baptism and Order. In the deserter who returns to the ranks, he says, the soldiership persists and only needs to be recognized; and so in the apostate who returns to the Church the baptismal character is still there and does not have to be given again.[1]

Holy things claim holy usage, and the use of the sacramental power in a state of sin is a sacrilege; but remains valid. It may be said of this power on the supernatural plane, as of the powers of intelligence and will on the natural plane, that though God has given them us so that we may use them well, they are still retained by those who use them to their own perdition. That is why St. Thomas said that the sacramental or sacerdotal power is, on the supernatural plane, in the position of a "power", a faculty, which can be put to good or ill use; whereas grace and the virtues are "habitus" which cannot be used save well.

3. THE GENERAL EFFECTS OF THE SACRAMENTAL POWER

I. It is entirely due to the sacramental or sacerdotal power that the Christian cultus continues down the ages. It is by its means that the redemptive sacrifice is made present to each generation, and that redemptive grace is brought to each individual man in the sacraments—Baptism being the only exception, since it does not absolutely demand a consecrated minister.

If therefore the sacramental power ceased to be handed down in a given region and if even Baptism ceased to be conferred there[2] the Christian cultus would there perish. The redemptive sacrifice would no longer be made really present day by day, grace would no longer possess its sacramental perfection; the very notion of sacramentality would be forgotten. Incorporation with Christ as Head of the Christian cultus would disappear.

Even incorporation with Christ as Head of Christian grace and sanctity would become not only more difficult and less frequent, but would be deprived of its most admirable effects. It would be like a tree uprooted from its native soil and climate, and unable to bring its fruits to maturity. Among the best men, living in good faith and in love, true Christianity would be as

[1] *Contra Efnst. Parmenioni,* lib. II, nos. 28 and 2g.

[2] It is well known that the persecuted Japanese Catholics lived without priests for a century and a half, and remained faithful to their Church. Baptism maintained sacramental grace among them along with an initial sacerdotal power which enabled them to perform certain acts of the Christian cultus, for example to contract sacramental marriage. But it was deprived of its highest exercise.

it were a distant home country, still invincibly unknown or misconceived, towards which nevertheless their hearts would be really orientated, unknown to themselves.

2. The sacramental power or character occupies an important place in the sacramental economy. "When we call it sacramental", writes Scheeben, "that is not simply because it is conferred by certain sacraments, but also because, in the case of those sacraments that confer it, it is the centre of their efficacy and their significance, and in the case of the others it is the basis and ground of all their activity."[1] Let us consider these two assertions.

a. The character is the centre of the efficacy of the sacraments that confer it.

Though it is a secondary effect of the sacraments, the character makes us members of the Christian religion and ministers of the Christian cultus; thus it introduces us into the family of Christ and incorporates us with Christ as Ruler and Head of the cultus of the New Testament. It constitutes in consequence a "moral" title, a right to grace—i.e., to the chief effect of the sacraments—provided no obstacle is opposed by bad dispositions in the subject. The character, says St. Thomas, "disposes the soul *directly* and *proximately* to the fulfilling of things pertaining to divine worship: and because such things cannot be accomplished suitably without the help of grace—since, according to John iv. 24 they that adore God must adore Him in spirit and in truth—the divine bounty, *by way of consequence,* offers grace to those who receive the character, so that they may accomplish worthily the service to which they are deputed."[2] It may thus be said that incorporation with Christ by the character calls, as of right, for another, more intimate incorporation, deeper and more divine; namely incorporation with Christ by sacramental grace and charity. It may be added that ifit is a title to Christian grace, the character is at the same time a title to Christian suffering. Père F. Florand expresses surprise at the absence of this view in Chardon's *Croix de Jésus.* We know, he says, that "our Christian stamp is two-fold. There is first of all that of grace wdiich is vital and living, since grace makes us act of ourselves, personally, as principal causes: in grace we are so many living Christs. But there is also another stamp w-hich comes of the character conferred by certain sacraments. Doubtless this character is not a vital principle in us and docs not make us proper and principal causes of the sacerdotal efficacy of the acts we perform; in this respect we are no more than animated instruments, ministers. It is none the less true that, being added to grace, it strengthens our Christianity, and that too in the sense of the cross, since it is a certain participation of the priesthood of Christ which is inseparable from the cross ... If therefore it be granted that the Christian stamp that comes of grace demands the cross more directly because it brings us more immediately into the very life of the Crucified, it must also be recognized that the Christian stamp that comes of the sacramental character constitutes, on another plane, a new call for suffering. It fully achieves our entry into Christ by achieving our introduction into the redemptive plan which is also, in fact, a plan of

[1] op. at., § 84, p. 560.

[2] III, q. 63, a. 4, ad 1.

reparation and of sanctification by the cross. Thus die baptized, the confinned, and the ordained are all of them orientated by their character towards the cross. It is true that our sufferings in this category will be chiefly exterior trials, humiliations and persecutions; but trials and crosses all the same. There is nothing more astonishing than the astonishment of one baptized or confirmed or ordained when he finds himself faced with new sufferings. It is their absence that would be monstrous."[1]

But the character does not merely create a title, a right, to the investiture of the soul with sacramental grace and Christian suffering. It plays an organic, a "physical" part in the production of grace. Schecben holds that at the first appearance of sacramental grace the character is, conjointly with the sacrament, the instrumental and ministerial cause of the grace: that at the moment when the pure sacramental sign ("sacramentum tantum") of Baptism, Confirmation and Order is outwardly conferred, the character is produced in the subject as a first effect of the sacrament,' and in that very instant unites itself with the pure sacrament so as to be, with it, the physical instrumental cause of grace—grace being the ultimate and principal effect of the sacrament *(res tantum).* To argue thus does not amount to a denial that grace is the principal effect of the sacrament, or to a return to the early theory of St Thomas, abandoned in the *Summa,* according to which the sacrament would produce only a disposition calling for grace but would remain incapable of physically and directly causing grace itself. In favour of Scheeben's view we might cite the text of the *Summa* in which St. Thomas, distinguishing, in the case of Penance, the "sacramentum", the "res et sacramentum" and the "res", declares that "primum totum simul sumptum est causa secundi; primum autem et secundum sunt quodammodo causa tertii."[3] However it be, the Thomist theologians admit that at the reviviscence of sacramental grace, the character is utilised by the divine omnipotence as a physical instrumental cause of grace.[4]

b. The sacraments which confer no sacramental character—namely the Eucharist, Penance, Extreme Unction, and Matrimony—are nevertheless closely connected with the characters. Not only is their reception invalid for subjects not incorporated with Christ by the baptismal character[5]; but the grace which they communicate is not any grace whatsoever, but a grace proportioned to the dignity of a member of Christ, and drawing thence its fundamental significance.

3. On the subject of the causality of the sacramental power as regards redemptive grace, we have noted that if the direct and immediate end of this

[1] Père Louis Chardon, O.P., *La Croix dtjista.* Introduction by R. P. F. Florand, O.P., Paris 1937, p. civ.

[1] It is itself effect , but yet the sign of an ulterior effect: " res et sacramentum

[3] III,q. 84,3. 1, ad 3.

[4] The character is likened by St. Thomas to a form which produces its effect, namely grace as soon as any contrary dispositions are removed ÇIII, q. 69, a. 10). That, says Cajetan, is a mere comparison.

[1] Without the baptismal character the other sacraments are received materially *in venere entis* but not validly, *in genere sacramenti.*

power is to dispose the soul to valid exercise of the acts of the Christian cultus, its consequence nevertheless is, in virtue of the divine liberality, to draw down into the soul the grace needed for the holy exercise of the cultus. It would therefore be doing violence to God's established order, and moreover committing a sacrilege if, when receiving the power, we were to put an obstacle in the way of grace by bad dispositions. It is sacrilegious to confer a sacrament unworthily—and we know that the priest is not the sole minister of the sacraments: the spouses are the ministers in the case of Matrimony, and anybody, in case of necessity, can confer Baptism.[1] But even if the minister is unworthy, the use of the power can remain valid: the sacrifice can be validly perpetuated for the salvation of those who desire to be united with it; the sacraments can be validly and, if received with the required dispositions, fruitfully conferred. The reason for this mystery is that the action of the minister and the sacramental rite taken together have only an instrumental part to play in conferring redemptive grace. It is not the sanctity of the minister, but the sanctity of Christ that appears in the world with the sacramental rite, and comes to those who desire to receive it. Baptism administered by heretics, writes St. Augustine, will therefore be valid: "All say this, and I too say it: it is by no means only the just that can be ministers of this Judge [who is Jesus . . .]. A proud minister is a devil; but the gift of Christ that comes through him is not contaminated, it runs pure, it passes untouched to the fertile earth. This minister is made of stone, and the water that moistens him will never make him bear fruit; but the water passes through the runway of stone, it passes to the garden grass. In the stone runway it vivifies nothing, but in the gardens it gives fertility. The spiritual virtue of the sacrament is like light: on those on whom it falls it falls pure, and is in no way fouled by passing through foul things. . . . What Paul gives, what Peter gives, are the good things of Christ; even were Judas to give them, they are the good things of Christ."[2] The Christian cultus, its rites, its ministers, are nothing more, but also they arc nothing less, than the vehicles of redemption.

And that is why, over and above its immediate effects—the uninterrupted exercise of the Christian cultus and the visible transmission of redemption to each successive generation—the sacramental power will draw unending sanctities in its train, not only for those who approach it with lively faith and purified heart, but even for those who know nothing of it, misconceive it, or even set themselves against it.

4. THE SACRAMENTAL POWER OF THE BAPTISED AND THE CONFIRMED

The sacramental or sacerdotal power of the Church is disposed in degrees: the power of the baptized, that of the confirmed, and lastly the successive

[1] St. Thomas however writes: "In case of necessity, when even a layman can baptize, he who* baptizes without being in a state of grace does not sin; for his intention is to do a service, not to act as a minister of the Church. But this solution would not apply to those sacraments which are less necessary than that of Baptism" (III. q. 64, a. 6, ad 3).

[2] *In Evang. Joannis,* tract. 5, nos. 15 and 18.

degrees of the power of order with which the hierarchy begins; crowned, in the line of order, by the episcopal power.

I. The validity of Baptism does not require that those who confer it should themselves be consecrated. But this sacrament stamps the first of the Christian consecrations on the soul. If the baptized, as St. Paul declares, is incorporated with Christ, if he is associated with Christ on the cross as closely as a branch with its parent trunk (Rom. vi. 1-11), this is for two reasons. The first, and of course the better, is that he dies to sin and is born to the supernatural life of grace; the second, which I want to emphasize here, is that he participates in a certain measure in the consecration which made Jesus the essential Priest of a cultus assured of divine approval till the end of time.

The baptized, in fact, has power to co-operate liturgically in the sacrifice of the Mass, in which Jesus never ceases to offer the world to His Father: at Mass he can be not only a spectator but an actor and a participant: we see this, for example, in the collective form of the prayers of the Canon, or again in the ancient custom of dismissing the catechumens before the Offertory. As to Christ's privilege of communicating grace, the baptized have, to start with, something that can be referred to it, since they are able validly to receive the other Christian sacraments, which are so many channels of grace; and they even participate in it directly, since at their marriages, of which they themselves arc the ministers, they can be the instruments of grace.

A second Christian consecration fulfils and deepens that of Baptism. It is given at Confirmation. The confirmed soul is first of all more congruously prepared for the valid reception of the other sacraments. It brings that soul this gift above all, that when it courageously confesses the faith it does so not simply as carrying out, with the help of a special sacramental grace, a personal moral duty; but as continuing in the world, in the name of the entire Church, that public, exterior, and liturgical witness to the truth that Christ came to bear, and which, from Pentecost onward, wall never cease.[1]

Thus, like the precious ointment that ran down from Aaron's beard to the last fringes of his robe, the priesthood of Christ is diffused in its various degrees throughout the Church, among clergy and laity alike. Both, when they exercise the sacerdotal power they hold, are the principle, the efficient ministerial cause, of the Christian cultus.

[1] The two capital texts of Scripture concerning the sacrament of Confirmation (Acts viii, 4-24; xix, 1-20) are discussed in the study u Confirmation dans la sainte Ecriture " in the *Dictionnaire dt thfologie calholique,* col. 975-1026. The author, Mgr. Ruch, establishes that the communication of the Holy Spirit then made " consecrates the disciple as a prophet of the New Times and enables him to bear witness to the Messiah according as circumstances dictate or the Saviour wills". Being meant for all, " the ministry' for which the gift of the Spirit makes the recipient apt carries no hierarchic grade, but involves nevertheless *a participation in public functioni,* Docs not the witness, jl s such, speak in public and for the public? " The extraordinary graces, such as the gift of tongues, are merely accidental effects; they are not received by all " because all do not need them in order to bear witness ", but they were given to some " because the words and works of the public man should, at the outset more especially, be confirmed by the power of God". The fact is that in the confirmed, as such, the confession of faith has rather the significance of an act of *cultui* than that of the gift of *prophecy.*

2. All souls in a state of grace owe the fact to the priesthood of Christ, grace being the supreme fruit of His priesthood. In this first general and indirect sense, these souls participate in the priesthood of Christ. They can already utter, with St. John, the praise of Jesus: "He hath loved us, and washed us from our sins in his own blood, and hath made us a kingdom and *priests* to God and his Father" (Apoc. i. 5-6). They can already hear the revelation of the prince of the Apostles: "But you are a chosen *priesthood,* a kingly priesthood, a holy nation, a purchased people; that you may declare his virtues who hath called you out of darkness into his marvellous light" (1 Peter ii. 9)?

But souls who, by the consecration of Baptism and then by that of Confirmation, have been dedicated to the Christian cultus, participate also *directly* in the priesthood of Christ. They are able to play an efficacious part in the great redemptive liturgy instituted by Christ as Head of the definitive Testament, and perpetuated by the ministry of succeeding generations. When Scripture says of the baptized that they arc marked with the seal of the Holy Spirit (Eph. i. 13; iv. 30) that must be understood first of the seal of the Divinity who dwells in them, and then of the created signature of grace which prepares them for the life of glory in the heavenly Kingdom; but it can be understood also of a second created sealing, of a spiritual imprint, of the power to carry out sacerdotally the first acts of the cultus in the Kingdom of God upon earth, the Church militant. So also when the Scriptures say in various ways that the baptized are "incorporate with Christ so as to live with His life" that no doubt means first and foremost that they partake by grace of the inner holiness of His heart; but it may mean furthermore—and Christian antiquity has always so understood it—that they are enabled to enter into valid and efficacious union with the sacrifice in His Blood by which He finally willed to save mankind.

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5. *CONSECRA TION TO THE CULTUS AND MORAL SANCTITT*

The idea that all Christians, clergy and laity together, are consecrated persons with a mission to perpetuate a cultus, a liturgy—the idea that a consecration, a sacramental power, incorporates us as members, ministerial organs, into Christ, Ruler and Head of the cultus of the New Testament—this idea is secondary (the primary one being that of our incorporation into

1 " In a sense all the sacraments bring some participation of the priesthood of Christ because they dispense some of its fruits; not all of them however give the power to do or to receive anything from the cultus of which Christ is priest, but those only that impress a character on the soul " (St. Thomas, III, q. 63, a. 6, ad 1). If it be admitted that the two texts of the Apocalypse: " He hath made us a kingdom and priests to God and his Father " (L 6) and " thou hast made us to our God a kingdom and priests " (v. 10) refer, not to each particular soul but to the Christian people as a whole, we could say, as Cajetan does, that in these texts the word " priests " is already taken in its proper sense to designate the power of order, cf. Cajetan, *Jentaculum tertium.*

The same applies to 1 Peter ii. 9. While 1 Peter ii. 5 would, on the contrary, designate the priesthood in the metaphorical sense.

Christ by charity), but it is nevertheless essential and fundamental to the Christian revelation.

The ancient world everywhere and always understood the need of offering to God certain dedicated and consecrated actions and things, through dedicated and consecrated persons. But it did not succeed either in plumbing the idea of consecration to its depths or in keeping it free from the worst corruptions. Before the Incarnation took place, before the substantial unction of the Divinity had come to consecrate the Saviour of men and make Him the High Priest of a new cultus, sacerdotal consecrations could be no more than figures, pure signs; they represented powers of a moral and juridical nature conferred by simple designation, by simple delegation—even if recourse were had to the ceremony of anointing. This at least appears to have been so in the more favourable cases, under the natural law or the Mosaic law. But in the pagan world, by a monstrous perversion the idea of the "dedicated" or "consecrated" gradually usurped the place of the idea of moral goodness and began to supplant it. So sinister an aberration might have compromised irremediably the truth contained in the idea of consecration if Christianity had not come to purify it, save it, and raise it to its highest perfection. In fact, at the moment when the Word, becoming flesh, had consecrated the Messiah by the unction of His divinity, filling His soul with the most precious gifts, and making Him at once Ruler and Head of a new outpouring of grace and sanctity, and of a new and permanent cultus, it became manifest first that moral sanctity and sacramental consecration are both—though on different grounds—essential to Christianity; and, moreover, that the consecration by which we are incorporated as members and instruments[1] with Christ, Ruler and Head of the cultus, is no longer a simple jurisdictional power conferred by delegation, but a physical, spiritual, sacerdotal power conferred by contact with Christ, a contact mysteriously effected through the sacraments that confer a character.

The dissident Oriental Churches have retained a very clear and fully appreciative notion of the consecration conferred by the sacraments. Protestantism, by an error directly contrary to that of the pagans, attempted to eliminate the notion of consecration and to substitute that of moral holiness; in this it gravely misconceived the essence of Christianity which does not oppose the two notions but reconciles them.[2] Still, as we have said,

[1] The human nature of Christ is conjoined to the Person of the Word in the order of being. Incorporation with Christ makes us separated instruments of the Person of the Word in the order of being, and conjoined with Him only in the order of action.

[2] "The sign of Christian Baptism, when it remains unaltered, suffices even among heretics to confer a *consecration,* though not *participation in eternal life"* (St. Augustine, *Epist. XCVIII*^ 5). To the three consecrations which are characters we could, as we have said, link the physical modifications produced in the baptized by reception of the sacraments of Matrimony and Extreme Unction. Their negative rôle will be to prevent the valid repetition of these two sacraments during respectively, the life of the spouses or the continuance of the same danger of death. Their positive rôle will be to serve as instruments of the divine omnipotence in the event of the reviviscence of these sacraments, and also to consecrate Christians temporarily or momentarily for the duties of marriage or the struggles of the death agony.

the perpetuity of the Christian cultus continues none the less to be beneficial even to those who misconceive it or pass it by.

However, although all members of the Church, clerics and laymen alike, partake of the sacerdotal power of Christ, they are not all in Holy Orders. It is with the various levels and consecrations arising from the sacrament of Holy Order that the hierarchy begins.[1]

III. THE POWER OF ORDER, OR THE HIERARCHIC SACRAMENTAL POWER

I. THE EXISTENCE .AND NATURE OF THE POWER OF ORDER

i. For the provisional cultus of the Old Law, with its sacrifices and its ceremonies which were no more than shadows and figures, the economy of die Word made flesh substituted the definitive cultus of the New Law, with its sacrifice and its sacraments, which arc truth and reality because they contain Christ and the grace of Christ. Although all Christians receive the power to participate validly in this cultus, which brings into the world the sources of life from which each may drink in proportion to the intensity of his desire, this power nevertheless has degrees.

Besides the power given by Baptism, and that given by Confirmation, there is a third power coming from Holy Orders[2] and not given to all.[3] This is the power to consecrate the true Body and true Blood of Our Lord, and to forgive or retain sins,[4] so that the priesthood of Christ on the cross shall never fail the world.[3] This power, being a ministerial power,® can be validly exercised even by the unworthy.[7] It resides in the soul in the manner of an indelible spiritual mark,[8] so that the man who is once a priest can never again become a layman,[9] and the sacrament which confers this power

[1] The consecrations of Baptism and of Confirmation are participations of the priesthood of Christ; but since they arc conferred on all they cannot be degrees of a sacramental hierarchy. This latter begins only with the sacrament of Holy Order, and with it of course the differences of level. This said, it is easy to understand the words of a dissident Russian theologian: "The laity have their place and value in the Church as well as the clergy. The lay state is not to be defined negatively as the mere absence of ecclesiastical order—it is rather a special order, conferred in the sacrament of unction" (Discourse of P. Serge Bulgakov, to the Congress of Churches at Lausanne, 1927). Let us say with greater exactitude that the lay state involves, not the absence of the *sacerdotal or sacramental power,* but the absence of the *power of Order.* It supposes die first degrees of the sacramental *power,* but not the first degree of Order, which is die beginning of the *hierarchy.*

[2] Denz., 852.

[3] ibid., 853, 920.

[4] ibid., 961.

[4] ibid., 938.

[5] ibid., 855.

[7] ibid., 920.

bid., 852.

ibid., 960, 964. According to the Reformers, ordinadon was not a sacrament conferring a sacramental power, a consecration, but a simple dcsignadon of ministers by the Church, ministers

cannot be repeated.[1] That is the essence of the doctrine of the Council of Trent on the nature of the power of order.

2. The main elements of this doctrine are visible in Scripture. In the first place the Scriptures show us Christ conferring powers upon some only of his followers. On the evening of the Last Supper He commanded the Apostles to do the wonderful thing that He had just done, that is to say to change the bread into His Body and the wane into His Blood and to continue to do it until He should come again (Luke xxii. 19; 1 Cor. xi. 24-25). Before His Ascension Christ sent the disciples, as the Father had sent Him, with power to remit or retain sins (John xx. 21-23). All power had been given Him in heaven and upon earth, and so He would command the Aposdes to baptize all nations till the world should come to an end (Mark xvi. 15; Matt, xxviii. 18-20); and though it be true that anyone can be the extra-ordinary' minister of Baptism, yet the same traditional teaching that tells us so tells us also that the ordinary ministers of Baptism are the ordained.

Scripture shows us, in vivid vignettes, that there are liturgical acts not to be carried out indifferendy by all Christians. Philip the deacon baptizes the Samaritans; but he cannot bring down the Holy Ghost on them by imposition of hands: that is a power reserved to the Apostles, who proceeded to send Peter and John into Samaria (Acts viii. 14-17). At Corinth, it is another Aposde, Paul, who imposes hands on the neophytes to give them the Holy Spirit (Acts xix. 6). St. James commands the sick to ask for the presbyters of the Church to receive from their hands the anointing with oil in the name of the Lord (v. 14).

Finally, Scripture speaks of the transmission and permanence of the power of order. "Neglect not the grace that is in thee by prophecy, with imposition of the hands of the priesthood" says St. Paul to Timothy (1 Tim.

who could, at will, become laymen again. That consecration which the Protestants of the Reformation took away from the priests, the modern liberal Protestants take away from Jesus Himself. They no longer believe that He stands before God as the Priest of all mankind. It was, they say, only in the minds of certain of His disciples that he was the High Priest according to the order of Mclchisedech, that His death was a redemptive sacrifice, that He has washed away our sins in His Blood, that the Last Supper is the memorial of a sacrifice, cf. A. Réville, *Jésus de Nazareth,* 1897» vol- H, p. 350, et scq.; A. Sabatier, *La doctrine de Γexpiation et son Solution historique,* 1903; J. Réville, *Les origines de Γeucharistie,* 1908; Harnack, *Dos* Ifricn *des Chrislentums,* 1920, p. 98 et seq. This last is not the least categorical, but the most adroit, of them all: " If we penetrate into history we recognize that the world's salvation comes from the sufferings of the just and the innocent, in the sense that it is not words but acts, nor even acts but acts of oblation, nor even acts of oblation but only the voluntary gift of life itself, which decides the great moments of historical progress. In this sense, I believe that in so far as any theory of substitution can seem acceptable to us, few among us will fail to recognize the inner justice and truth of a drama such as that of Isaiah liii: *Surely he hath borne our infirmities and carried our sorrows. None hath greater loce than he who lays down his lifefor hisfriends.* That is how the death of Christ was understood from the beginning. The more delicate is a man's moral sense the more surely he will discover in history', whenever some great thing is done, the part played by the suffering of substitution; and the more lessons he will know how to draw from it. Did Luther in his cloister fight only for himself, was it not for all of us that he inwardly battled and bled in the cause of the religion confided to his hands? But in the Cross of Jesus Christ mankind could recognize the pow er of a purity and of a love so proven by death lhat it could never be forgotten, and the experience marked a new epoch in our history/'

[1] Denz., 852.

iv. 14). Timothy had been designated by prophecy (cf. 1 Tim. i. 18), but the imposition of hands had given him a permanent gift. Hence St. Paul's exhortation: "Stir up the grace of God which is in thee by the imposition of my hands" (2 Tim. i. 6). Hence Timothy's power to impose hands in his turn on others, but not without due caution (1 Tim. v. 22). Titus undoubtedly acted in the same way since Paul had left him in Crete to establish presbyters in every city, to be bishops without reproach, dispensing the good things of God and watching over purity of doctrine (Tit. i. 5-9).

A power to offer the sacrifice and to confer the sacraments of the New Law, a power coming from Christ, transmitted by the Apostles and their successors, not to be given a second time to the same person, but to be "stirred up" since it resides permanently in the soul, and setting up a difference of rank, a hierarchy—there we have the power of order as it appears in the Scriptures.

3. This doctrine is echoed by St. Augustine. Some of the Donatists thought that although apostates remain baptized, it is otherwise with the power of baptizing. St. Augustine replies that both the power received in Baptism and the power to confer Baptism (solemn)[1] are equally ineffaceable: "Both arc sacraments, both are conferred by a consecration: the first when one baptizes, the second when one ordains. That is why it is forbidden to repeat them in the Catholic Church. When dignitaries coming out of schism and renouncing their errors have been received into her once more in peace, and when it seems good to allow them to exercise their old functions, they are not rc-ordained. For Order, like Baptism, has remained in them intact. What was found evil in them was the schism, which has been repaired by the peace of unity; but not the sacraments, which always keep their nature."[2] Thus for St. Augustine the power of order is an ineffaceable sacramental character, which exists and remains efficacious even in the unworthy.

With St. Augustine, the doctrine of the sacramental characters becomes firmly established in theology. But St. Augustine was no innovator; he merely renders explicit the traditional doctrine. Between Scripture and himself an uninterrupted chain of witnesses, passing through the *Didache,* St. Clement of Rome and St. Ignatius of Antioch, shows us an ordained hierarchy celebrating the Christian cultus, and this, being a cultus in truth and reality and no longer in shadows and figures, demands a special spiritual consecration. When Tertullian—who had at first rightly blamed the heretics for making over the sacerdotal power to laymen, not by a "consecration" but by a simple "injunction" *{Idicis sacerdotalia munera injungunt)*—came later to maintain that the priesthood (and by this he meant the power of order) belonged to all men, and that laymen could validly celebrate the Eucharist and remit sins—then he himself became the innovator.[3]

1 The deacon is the extraordinary minister and the priest the ordinary minister of " solemn " Baptism, that is to say of Baptism conferred according to the prescriptions and ceremonies of the ritual (CW. *Jut. Can.,* can. 737, §2; 738, §1; 741).

3 *Contra Epistolam Parmeniani,* lib, II, no. 28.

' cf. P. Batiffol, *L'Église naissante et le catholicisme,* Paris 1911, p. 351.

2. *THE DIVISIONS AND DEGREES OF THE POWER OF ORDER*

The divisions set up by divine institution appear in the historical documents well before others of ecclesiastical institution. They comprise the three principal degrees of the power of order.

A. The Divisions of the Power of Order

I. The power of order that Christ left in the world to assure the continuity of the chief acts of the Christian cultus is virtually multiple. That is why, besides the plenary realization found in its highest degree, there are lower realizations in which its virtue is participated. These different realizations of the divine power of order mark the degrees of the hierarchy.[1]

Three of these are of divine institution: the episcopate, the presbytcrate, and the diaconate.* The episcopate carries with it, besides the plenary power to change the bread into Christ's *proper* Body, the plenary power to sanctify His *Mystical** or Social Body, by preparing the faithful to approach the Eucharist. The presbytcrate gives the plenary power to consecrate the proper Body of Christ and a merely partial power to sanctify the Mystical Body of Christ.[4] The diaconate gives only a partial power whether over the proper Body or the Mystical Body of Christ.

The last of these three divinely instituted powers, the diaconate, contains in an eminent manner other lower powers, which gradually made their appearance in the course of time, as the divine cultus developed. The subdiaconatc was instituted, and the various Minor Orders.® Christ is their Author in the sense that He alone gave the power of the diaconate to His

1 " Hoc sacramentum datur principaliter ad actus aliquos agendos. Et ideo, secundum diversitatem actuum, oportet quod ordinis sacramentum distinguatur " (St. Thomas, *Suppi.,* q. 37, a. i, ad 1). " Tota enim plenitudo sacramento hujus est in uno ordine, scilicet sacerdotio, sed in aliis est quaedam participatio ordinis " (ibid., ad 2).

1Tbe Council of Trent did not intend to define that all three of these Orders arc of divine institution, so that we cannot attempt to establish the fact by citing the words of the Council: ''If any one shall say that there is not in the Catholic Church a hierarchy instituted by divine ordinance and comprising bishops, priests and ministers, let him be anathema " (Session XXIII, can. 6: Denz. 966). Nevertheless, there can be no doubt that this is the teaching of the Code of Canon Law: " By virtue of a divine institution, the sacred hierarchy comprises in the line of order bishops, priests and ministers ..." (Can. 108, §3). See below Excursus II on some recent views on the sacrament of order.

' The term " Mystical Body " was first used in the ninth century' to designate the sacramental Body, the eucharistie Body, of Christ; then, since the twelfth century', to designate its proper effect, namely the " Body which is the Church cf. Henri de Lubac, S.J., *Corpus Mysticum, Teucharistie ft TEglise au moyen age,* Paris 1944, p. 15.

4 The episcopate and the prabyterate, in which are *equally* exercised the *principal* act of the power of order, which is to consecrate the real Body of Christ, are often brought together under the name of the priesthood *primi et secundi Gradus.*

1 " In primitiva Ecclesia, propter paucitatem ministrorum, omnia inferiora ministeria diaconis committebantur . . . niliilominus erant omnes praedictae potestates, sed *implicite,* in una diaconi potestate. Sed postea ampliatus est cultus divinus; et Ecclesia, quod implicite habebat in uno ordini, *explicite* tradidit in diversis. Et secundum hoc dicit Magister ... quod Ecclesia alios ordines sibi instituit " (St. Thomas, *IVSent.,* dist. 24, q. 2. a. 1, quaest. 2, ad 2: cf. *Suppi.,* q. 37, a. 2, ad 2).

Church. But the unfolding of this power is of ecclesiastical origin. It was effected in the Latin Church as early as the third century.[1] However, the Church is entitled to bring back to unity at one period what she has distinguished at another.[2]

2. Scripture shows us in the sacred ministers of the primitive Church, the three degrees of the power of order, which, according to the authoritative teaching, arc of divine institution.[3]

The episcopate, which carries not only the power of order, but also the power of transmitting orders to others, was conferred by St. Paul on Timothy, who was to impose hands in Iris turn; and on Titus who was charged with the duty of establishing the hierarchy in the cities of Crete (i Tim. v. 22; Tit. i. 5-9).

Were the "presbyters" mentioned in Scripture, or some of them, only laymen? Various writers think so. But some, at any rate, had the power of order. Paul and Barnabas, after prayer and fasting, set them at the head of the Churches of Asia (Acts xiv. 22). If these presbyters imposed hands on Timothy (1 Tim. iv. 14) that, no doubt, could only be because hands had already been imposed on themselves. They were to bring the sacramental anointing, which remits sins, to the sick (Jas. v. 14). A more difficult question arises: were they simple priests or genuine bishops? Scripture in fact calls them bishops, *episcopal·,* for example the presbyters of Ephesus whom St. Paul had called to Miletus, were "bishops ruling the Church of God" (Acts xx. 28); and the presbyters whom Titus ordained were to be bishops without blame (Tit. i. 5-7). The question cannot be answered with any certainty.[1] "Probably the same answer would not apply to every case.

II

1 A letter written in 251 by Pope Cornelius to Fabrius, Bishop of Antioch, shows that the Roman Church then recognized priests, deacons, sub-deacons, acolytes, exorcists, lectors and doorkeepers, cf. Dcnz. 45.

3 It was the teaching of St. Thomas *(Suppl.,* q. 37, a. 1 and 2) that the sub-diaconatc and the Minor Orders were true degrees of the power of order. It would appear that such was also the teaching of the Council of Florence: when speaking of the way in which Orders are conferred, the Council mentions not only the presbytcrate and diaconate but also the sub-diaconatc and other Orders (Dcnz. 701). But it would seem that the Church's intention has been modified since. It could be held that by the Apostolic Constitution on the Holy Orders of the Diaconate, Presbytcrate and Episcopate (30 Nov. 1947), His Holiness Pope Pius XII, by returning to the primitive rite of the imposition of hands an essential and exclusive part in the ordination, also reduced to the rank of simple sacramentals the sub-diaconatc and the Minor Orders, which arc conferred without the imposition of hands. Sec Excursus II: Some Recent Views on the Sacrament of Order (no· 9)·

1 In the first days of the Church wc have to recognize, alongside the hierarchy, a missionary and itinerant organization composed of prophets, doctors, etc., and engaged in apostolic work. cf. P. Batiffol, *Études d'histoire et de théologie positive*, Paris 1920, p. 260.

4 An indication of Jesus' intention to distinguish between bishops and priests later on, could be found in the two missions mentioned in the Gospel: that of the twelve Apostles, who were to be succeeded by bishops, and that of the seventy-two disciples, who were to be succeeded by simple priests. (" Cum sacerdotes succedant in locum septuagintaduorum discipulorum, episcopi vero in locum duodecim apostolorum, ut dicitur in glossa " (St. Thomas, *Contra Impugnantes Dei Cultum et Religionem)),* For the mission of the seventy-two was not merely transitory: " Behold I have given you power to tread upon serpents and scorpions and upon all the power of the enemy, and nothing shall hurt you " (Luke x. 19). Père Lagrange writes: " But although the disciples had gone before Jesus on this occasion, they will have to carry on His work after Him. Hence the Master bestows

St. John Chrysostom, and other authors after him, believed that whenever several bishops are mentioned in the same city, as at Ephesus and Philippi, they could only be simple priests. Pétau on the other hand considers that most of them were bishops."[1]

As to the deacons, if on occasion they were put to serve tables, they too were sacred ministers. The Acts represent them as consecrated by the imposition of the hands of the Apostles (vi. 6), and as ministers of Baptism (viii. 38).

3. Outside Scripture the earliest documents of Apostolic times witness that the power of order was subject to several degrees. The *Didache,* speaking of the eucharistie sacrifice announced by Malachias, adds that bishops and deacons worthy of the Lord will have to be chosen to offer it (xiv and xv). *The Epistle of St. Clement of Rome* (xl. 2-xli. 1), composed towards the year 95, insists on the distinct rôles of the clergy and laity (this word appears here for the first time) in the celebration of the cultus: "The offerings and liturgies should be carried out not in any optional or unordered way, but, as the Master commands, at determinate occasions and hours. His own sovereign will has determined where and by whom they are to be carried out, so that all may be done in a holy manner according to His good pleasure ... To the high priest [Christ? the Bishop?] are reserved the proper liturgies; to the *presbyters* a special place is assigned, for the *laites* [deacons] there are distinct services; the *layman* is bound by the precepts peculiar to the laity."[2] Some years later St. Ignatius of Antioch praises, for example, the Trallians

on them as a permanent gift the power which they have just used so well. Before sending out His disciples He had already laid the foundations of the hierarchy involving the principle of obedience and discipline by which the Church is governed: ' He that heareth you, hearcth Me, and He that despiseth you despiseth Me. And He that despiseth Me despiseth Him that sent Me ' " *(The Gospel of Jésus Christ,* London 1938, voL II, p. 6),

1J. Tixeront, *L'ordre et les ordinations,* Paris 1925, p. 61. According to Batiffol the name of " presbyters " would, at the outset, have been used alike for laymen and for the ordained. The liturgical and social functions were reserved for deacons and for *episcopoi.* The *episcopii* or presbyter-bishops had the power of bishops. They formed a college in each Church. At the death of the Apostles the plural episcopate was dismembered, so as to give birth to the sovereign episcopate of the bishop, and the subordinate priesthood of the priests. However, the plural episcopate subsisted for a long time at Alexandria: the whole *presbyterium* was composed of bishops; but only one of them, designated by election, exercised the power of ordaining, cf. *Études d'histoire et de théologie positive,* Paris 1920, pp. 266 and 280. But Duchesne observes that if tilings began in more than one place with the collegiate episcopate, the unitary episcopate was not unknown to the primitive institutions; we find it in the mother-church at Jerusalem, at /Xntioch, Rome, Lyons, Corinth, Athens, and in Crete *(The Early History of the Church,* London 1914, vol. I, pp. 63-9). See Excursus II, no. 5.

1 According to St. Clement, God sends Christ, who sends the Apostles; and these, having made trial of their first-fruits, institute them as bishops and deacons for the believers, laying down this rule, that after their death other tried men shall succeed in the same ministry. Those who have thus been placed in charge by the Apostles, or later on by other eminent persons with the approbation of the Church, cannot justly be deprived of the ministry (XL1I, 2-4; XLIV, 2-3). Evidently then the community approves but does not institute; and hence it cannot dismiss. If Clement blames the Corinthians for having unjustly dismissed blameless presbyters, he nowhere says that he recognizes any right to dismiss unworthy presbyters. And even then a dismissal would deprive them of the exercise of their functions, not of the radical power to exercise them

for being obedient "to their *bishop* as to Jesus Christ", "to the *presbyterium* as to the Apostles of Jesus Christ", and he recommends the *deacons,* "superintendents of the mysteries of Jesus Christ" and "servants of the Church of God", to be pleasing to all (ii. 1-3). He adds: "Let all reverence the *deacons* as Jesus Christ, the *bishop* as the image of the Father, the *presbyters* as the council of God and the assembly of the Apostles. Without these there is no Church" (iii. 1).

Bishops, priests, deacons—such, in the line of order, in virtue of divine institution, already clearly indicated in the earliest magisterium of the Church, are the degrees of the hierarchy. We must now consider for a moment each degree in particular.

B. The Degrees of the Power of Order

i : The priests. The sacramental or sacerdotal power of priests is two-fold. They have power over the proper Body of Christ when they consecrate the Eucharist; and they have power over the Mystical Body of Christ when they prepare the faithful to approach the Eucharist.

When he celebrates the Eucharist, which is at the same time the sacrifice of the New Law and the sacrament of the Body and Blood of the Saviour, the priest does not say: "This is the Body ofJesus, this is the Blood ofJesus." To make clear that the rite of the Last Supper is being reproduced not merely *similarly* but *identically,* and to make clear moreover that at this tremendous moment his own personal mediation is purely instrumental, the priest, in Christ's name, repeats Christ's words: *This is My Body, This is My Blood.* "Of die consecration," says St. Ambrose, "what are the words? Whose are the words? They are the words of the Lord Jesus. All the words that precede them are the priest's. He praises God. He prays for the people, for kings, for the neighbour; but when he comes to this venerable mystery *[venerabile sacramentum],* then he uses his own words no longer but the words of Christ. The mystery is fulfilled by the words of Christ."[1] The supreme function of the priest as priest is thus to disappear in the presence of Christ, whom he offers to God and gives to the world. His maxim should be that of the Precursor: "He must increase, but I must decrease" (John iii. 30).

The secondary' function of priests concerns not the individual or real Body of Christ, but His social or Mystical Body. It consists in leading the

[1] *De Sacramentis,* lib. IV, cap. 4; P.L. XVI, col. 440. (It is well known that Dom Germain Morin restores the *De Sacramentis* to St. Ambrose.) This distinction, emphasized by St. ?\mbrose, between the words uttered by the priest on behalf of Jesus, and those he utters on behalf of the Church, corresponds to the two parts played by the priest in the celebration of Mass. As regards the *validity* of the sacrifice the priest at the moment of consecration is the minister, the instrument, through whom Christ Himself acts as true God and true Man. As regards the *application* of the sacrifice the priest acts as minister of the Church which partakes, according to her devotion, of the infinite value of die sacrifice; it is as minister of the Church that he disposes, in a special measure, of the fruits of the sacrifice of the Mass, for various specified good intentions.

people of God to the Eucharist. For this purpose[1] they are given the power of cleansing souls, whether from sin by the sacrament of Penance—"As the Father hath sent me, I also send you . . . whose sins you shall forgive, they arc forgiven them: whose sins you shall retain, they arc retained" (John xx. 21-23)'—or from the last consequence of sin by the sacrament of Extreme Unction: "Is any man sick among you? Let him bring in the priests of the Church, and let them pray over him, anointing him with oil in the name of the Lord" (Jas. v. 14). They are the ordinary ministers of solemn Baptism. .And they can be extraordinary ministers of Confirmation, for they I.KVKX' the radical power to confer it,[3] and the Sovereign Pontiff

1 " Penance and Extreme Unction prepare man worthily to receive the body of Christ " (St. Thomas, III, q. 65, a. 3). Note that a single power may have several distinct acts ordered to one another. Fire heats, and also expands. Thus the power of order, which is a power to consecrate, carries also a power to baptize, and—granting the jurisdiction of the Church—to absolve. The power to absolve, in its turn, has two subordinate acts: it is a power to take cognizance of the sin and then to pronounce the sentence that binds or looses. Hence the two keys—that is to say, the two powers—of the sacrament of Penance, the key of knowledge and the key of power. This traditional doctrine of the two key's, summed up by St. Thomas Aquinas *(Suppl.,* q. 17, a. 2, ad 1; art. 3: and ZFCan. Gm., 72), is illustrated by Dante in the ninth Canto of the *Purgatorio·*.

. . . " traxse due chiavi.
L'una era d'oro e Paîtra d'argento:
Pria con la bianca, e poscia con la gialla
Fece alb porta si ch'io fui contento."

* Protestants were for a long lime obliged to maintain that according to this text sins are remitted by the simple preaching of the Gospel, and not by any judgment passed on the dispositions of the sinner, as happens in the sacrament of Penance. The Apostles preached; those who believed were forgiven, the others not. But, as Père Lagrange notes, " What then becomes of the apostolic power to bind and to loose? We do not think that those cxegetes who make a point of being critical will be very long content with this Lutheran subterfuge " *(Évangile selon saint Jean,* 1925, p. 516). To-day it is much more readily granted that the Catholic interpretation is correct, but then the passage is supposed to have a flavour of paganism. When Protestantism comes to sec that the Gospel that speaks of " worship in spirit and in truth ", of the flesh " that profiteth nothing ", is. the same Gospel that speaks of the Word made flesh, of the water that regenerates, of the Body and Blood that is meat and drink, of the sentence that remits or retains sins, that is to say of the Incarnation, Baptism, the Eucharist and Penance, then it will either have to change some of its teaching or mutilate the text of St. John.

1 " The concession, the delegation, by which the Pope authorizes a simple priest to confer Confirmation and Minor Orders, is not meant to give the physical *power* to dispense these sacraments, but simply to furnish the necessary *circumstances* for their valid dispensing. In virtue of his episcopal power, the bishop has a divine title to confer Confirmation; the priest, in virtue of his sacerdotal power, can confer it if he is authorized so to do by the Sovereign Pontiff. The physical power of the priest cannot be validly exercised save in certain moral conditions—authorization, juridical delegation, and so forth—but the power of the bishop is free from any' such restrictions. For example, the priest as such has the physical power to administer the sacrament of Penance; but he can exercise it only if he has jurisdiction. Need we be astonished to find in the extraordinary minister of Confirmation what we find in the ordinary minister of Penance? Thus the sacerdotal pow-er makes its possessor the ordinary minister of the Eucharist and of Penance, and the minister of Confirmation and Minor Orders extraordinarily, that is to say in dependence on delegation from the Sovereign Pontiff" (John of St. Thomas, III, q. 63; disp. 25, a. 2, no. 98; vol. IX, p. 345). The bishops are the ordinary ministers of Confirmation; for it was the Apostles, Peter, John, Paul, who are represented in Acts as imposing hands: Peter and John on the Samaritans (viii), Paul on the Ephesians (xix). The delegation necessary to enable simple priests to confer Confirmation validly is generally possessed by the Oriental Catholics, and even, as I shall say further on, by the Oriental dissidents, cf. below p. 506. The Decree *Spiritus Sancti Munera* issued by the Sacred.

will sometimes exempt them from the reservation of the valid administration of this sacrament to bishops alone.

2: The lower ministers. Under the inspiration of the Holy Spirit the Apostles detached the diaconate from the priesthood. The Church, on her own initiative, was similarly to detach the lower powers of the sub-diaconate and the Minor Orders from the diaconate. The priesthood, defined by its principal act, is the power to celebrate the sacrifice of the Body and Blood of Our Lord. The diaconate and the lower orders, if defined by their principal act, as St. Thomas Aquinas defines them,[1] appear as the powers to prepare, remotely or proximately, the eucharistie sacrifice. The *raison d'etre* of the power of order and of its hierarchized participations is thus, above all else, continually to present to the world the redemption effected by Christ on the cross.

3: The bishops. The most sublime of powers is the power to consecrate the Eucharist; and this the priest does. In the strict line of sacramental power here in question, what more does the bishop do? In what sense is the episcopate the fullness of the priesthood?

When a priest is consecrated bishop, it is not that he receives *intensively* the power to consecrate the Eucharist, but that he receives *extensively* the power to prepare the people for the Eucharist; not the direct power over what is called the proper Body of Christ (hence the bishop is not superior to the priest as regards the *principal* act of the power of order) but the lateral power over what is called the Mystical Body of Christ. And hence the bishop is superior to the priest for the *secondary* act of the power of order.[2] The priest is the minister of Baptism, Penance, Extreme Unction, and even, extraordinarily, of Confirmation and of certain orders. But the bishop is the ordinary minister of Confirmation and ordination: he has an essentially unrestricted power to administer these two sacraments.[3] The sacerdotal power in the bishop being consecrated is not strengthened as to its primary act, the consecration of the Eucharist; it is expanded on the plane of its secondary act, in this sense—that it is in its essence unrestricted in the line of an act which is, itself, less lofty from the point of view of intension: the act of conferring Confirmation and Holy Orders. Add, if we may say of the sacerdotal power what is said of living tilings, that they attain their perfection only when ready to reproduce themselves, it follows that the plenitude

Congregation for the Sacraments on 14 Sept. 1946 grants to parish priests, parochial vican and certain other clergy the power of validly and licitly conferring the sacrament of Confirmation on those of the faithful who arc in grave danger of death from illness *(Acta Apost. Sedis,* 1946, pp. 349 ct scq.).

[1] *Suppl.,* q. 37, a. 2.

[2] The episcopal power is higher than the sacerdotal power as to the secondary act of the priest, which is to prepare the people of God to receive the Eucharist, but not as to the first act, which is to consecrate the Body of Christ (Su Thomas, *IV Sent.,* dist. 24, q. 3, a. 2, quaest. I; cf. *Suppl.,* q. 40, a. 4).

[3] It is a debated question, whether the Pope can delegate a simple priest to confer not only the sub-diaconate and diaconate, but also the priesthood itself. It would seem that the answer is affirmative. See Excursus II, no. 7.

of the priesthood resides, not in the priest—though in consecrating the Eucharist he performs the supreme act of the Christian cultus—but in the bishop.[1]

3. THE RÔLE OF THE POWER OF ORDER IN THE CHURCH

I. While the Scriptures remain intact they will always witness that Christ was the Priest consecrated by God, *first* to offer to God a perfect sacrifice, a sacrifice to be commemorated to the end of time by the ministers admitted to participation in His sovereign sacerdotal power; and *next to* procure a redemption for the world, a redemption to be applied to human beings individually by the ministry of the sacraments.

Christ's consecration was not as that of the kings, prophets, or priests who preceded Him. It came from the fact that He was the Word made flesh, and that the fullness of the Godhead, dwelling in Him as a permanent unction, not only sanctified Him substantially, making all His actions theandric,[1] but also poured into His soul the source of the sacerdotal power, and the source of created sanctity; whence the double consecration that ineffably prepared Him for His mission of saving mankind. "So Christ also did not glorify himself that he might be made a high priest: but he that said unto him, Thou art my Son; this day have I begotten thee" (Heb. v. 5). Jesus therefore is and will remain Priest, in a sense in which no other will ever be priest.

Those who to-day are called by that name are no more than the vehicles of His irreplaceable priesthood, the dispensers of His redemption, the channels by which He has willed it to be brought down to the people. In the priests of the New Law the power of order is a permanent quality, not in the least self-activated, but always needing, as every instrument does, to receive from Christ the virtue that shall actualize, elevate and apply it to the production of its effect. It is the divine power that uses the power of order. It is not—as we are told by Protestants, from the liberals to Karl Barth, and

[1] On this point there can be no controversy, that the episcopate, *envisaged as the plenitude of the priesthood,* is and remains.a sacrament. The question debated by the theologians is whether the episcopate is a sacrament *adequately distinct* from the simple priesthood, and whether it imprints on the soul a *new* character ... Many of the old theologians, while admitting that episcopal ordination extends and heightens the sacerdotal character by giving the bishop powers which the priest has not, nevertheless deny that the episcopate is an order distinct from the priesthood. That was the view of the great scholastics; after the Council of Trent the Thomist school as a whole remained faithful to it . . . But modem theologians and canonists, especially after Bcllarmine, have taken up a position clearly opposed'* (A. Michel, art. "Ordre", *Diet, de thiol. cath.,* col. 1383). The same author adds: "It is of no importance from a dogmatic standpoint whether one admits seven or eight orders," and in this connection he cites a passage from Benedict XIV *(Epist. In postremo,* 20th Oct. 1756, §17): "Let no one forbid discussion as to whether the episcopate is an order distinct from the prabyterate, whether the character impressed by episcopal consecration differs from the presbyteral, or whether it is only an extension of it." See Excursus II, no. 3.

'That is to say, divino-human. All the acts that came from the human nature of Jesus can be called theandric. Even hypothetically supposing them not to have been supernaturalized by habitual grace, the divinity of His Person would give them a dignity tliat was infinite. But the term might be reserved for those acts alone which Christ's human nature produces as the instrument of His divinity.

along with these by all who regard the sacraments as magical and the Incarnation as a pagan cult—it is not the power of order that "uses" and "captures" the divine omnipotence.1 When the priests consecrate the eucharistie sacrifice in which Christ wills to associate us with the bloody offering of the cross, and when they confer the sacraments of grace, then, in virtue of the power of order, they arc as instruments in the hands of Christ in heaven, and they stand to Him somewhat as the brush to the artist, or the pen filled with ink and ready for use in the writer's fingers, crying out, so to say, for the free action of the writer.2 The power of order is not a power superior to the sacerdotal power of Christ, nor even independent of it, but a power constantly and completely subordinated to it, a power purely instrumental.

2. Philosophers tell us that the effect resembles the principal cause, not the instrumental cause. If, in the celebration of the sacrifice or the administration of the sacraments, the priest is no more than an instrument in the hands of Christ, then it is the riches of Christ that pass into the world, not the poverty of the priest. And when the minister is unworthy, when the hierarchy is overrun with evil growths, when Judas dispenses the gift of Christ, it is still the gift of Christ that continues to pass. But heresies, terrible judgments of God on His Church, lie close at hand, and it will always be their favourite tactic to use the abuses that disfigure divine institutions to attack those institutions themselves. Souls are then in great peril, but the personal responsibility of each of them remains, and the course they have to steer, however heroic, is clear enough. "You know well that if a filthy and badly dressed person brought you a great treasure from which you obtained life, you would not hate the bearer however ragged and filthy he might be, through love of the treasure and the lord who sent it you. His state would indeed displease you, and you should be anxious for love of his master that he should be cleansed from his foulness and properly clothed. This then is your duty according to the demands of charity, and thus I wish you to act with regard to such badly ordered priests, who, themselves filthy and clothed with garments ragged with vice through their separation from my love,

1 In an address delivered in 1922, Karl Barth went so far as to declare with deep conviction, that according to the Catholics the priest is *creator Creatoris (Parole de Dieu et parole humaine,* Paris 1933, pp. 139 and 154. English trans. D. Horton, *The Word of God and the Word of Man,* London 1928, pp. 113 and 131).

1 " Character ... est qualitas permanens, ut instrumentum constituat hominem debito modo, id est ut homo ita sit ordinatus ut habeat sibi connaturalem et debitum concursum instrumentalem ad exercendum sacramentales effectus . . . Hoc tamen non ponit in ipso activitatem per modum permanentis, sed tota activitas datur quando datur ei elevativus concursus ad instrumentaliter operandum ... non tamen ponenda est in Christo talis qualitas, quia illa solum constituit potentiam ministerialem respectu Christi; et ideo ipsa non debet esse in Christo, sed aliquid illa altius et excellentius. Igitur, habens characterem, ad producendam gratiam habet se sicut calamus praeparatus, qui est instrumentum proportionatum ad connaturale scribendi; aliae autem res quae elevari possunt a Deo ad causandam gratiam, habent se sicut calamus non praeparatus ad scribendum, vel sicut aliquid aliud ad id non proportionatum " (John of St. Thomas, III, q. 63; disp. 25, a. 2, nos. 122 and 144, vol. IX, pp. 350 and 356). The power that most resembles that of the priest is that of all baptized persons at the moment when they contract a sacramental marriage, since then, but in a more limited way, they become the mutual ministers of grace.

bring you great treasures—that is to say the sacraments of Holy Church—from which you may obtain the life of grace, receiving them worthily . . . It is not according to my will that they should administer to you the Sun, being themselves in darkness, or that they should be stripped of the garment of virtue, foully living in dishonour; on the contrary I have given them to you, and appointed them to be earthly angels and suns, as I have said. It not being my wall that they should be in this state, you should pray for them, and not judge them, leaving their judgment to me. And I, moved by your prayers, will do them mercy if they will only receive it, but if they do not correct their life, their dignity will be the cause of their ruin. For if they do not accept the breadth of my mercy, I, the supreme Judge, shall terribly condemn them at their last extremity, and they will be sent to the eternal

3. All the baptized and all the confirmed, as we have seen, directly participate in the priesthood ofJesus Christ. They have the active power to exercise, in a way that is not merely material and exterior, but valid and liturgical, certain acts of Christian worship—to imite themselves for example with the offering of the sacrifice of the Mass, to confess the Christian faith; and also an active power to be ministers in the celebration of their own marriages. They have furthermore (whether simply or perfectly, according as they are baptized only or also confirmed) the passive power to receive, not merely materially or outwardly, but validly, liturgically and sacramentally, all the other sacraments.

But to what would the sacramental power given in Baptism be reduced if there were no priests to offer the sacrifice of the Mass, if there were neither priests nor bishops to confer the other sacraments? It would deposit in the baptized, in preference to the non-baptized, a certain connaturality to confer non-solemn or private Baptism; and it would give them a radical power to contract Christian marriage, the spouses themselves being the valid ministers and subjects. With Baptism and Matrimony sacramental grace would make its appearance in the world. But the sacrifice and five of the sacraments of the New Law would be lost.

The power of order is not to be defined save in function of the personal sacerdotal work which Christ still carries out by the sacrifice and by the sacraments of the New Law.

The sacrifice of the cross, perpetuated in the bloodless rite of the Mass, remains not simply a meritorious cause of the salvation of each generation of men (and at the same time latreutic, propitiatory, impetratory and eucharistie), but also an instrumental efficient cause "conjoined" to the Divinity (as the hand is an instrument "conjoined" to a human person), the suffering Christ having been the organ used by the Divinity in sending down His mercy on the world.

And the sacraments of the New Law arc, as regards each individual man an instrumental efficient cause of sacramental grace and even of the sacra-

* *The Dialogue of St. Catherine of Siena,* trans. Algar Thorold, London 1925, p. a+6.

mental power—an instrumental efficient cause "separated" from the Divinity (as the pen is an instrument "separated" from the person of the writer).

Thus the sacrifice of the Mass and the sacraments of the New Law are the causes of redemptive grace in our midst—the super-eminent meritorious cause and "conjoined" efficient cause in the case of the sacrifice of the Mass, which brings us the whole Passion of Our Lord; and an efficient cause "separated" from the Divinity in the case of the sacraments of the New Law, which distribute the particular effects of the Passion.

Now, it is the power of order which enables those in whom it resides to act as instruments in the action that perpetuates the sacrifice of the cross.

And, save for the sacrament of Matrimony, it is still this same power of order that enables those in whom it resides to act as instruments in the sacramental transmission of grace and of the sacramental power itself. For the sacrament and he who confers it arc together but a single instrument in the hands of God.

So that it is from the power of order that the whole Christian cultus is suspended.

Neither the sacrifice nor the sacrament of the Eucharist would be perpetuated in the world if, *per impossibile,* the power of order were extinguished; if, in other words, the apostolic succession were interrupted. And the Eucharist is the centre of the Christian cultus.[1] Those other acts of the cultus which could still be exercised would, with the disappearance of the Eucharist, lose their highest purpose.

The whole being of the Church in all her parts is permeated by the sacerdotal power of Christ; the shadow of the supreme consecration of the Eternal Pontiff entirely covers her, invests, consecrates and spiritualizes her, and enables her validly to continue the outward cultus, celebrated by Christ on the threshold of the new era, to be continued down the ages "till He come" to judge the world.

But, in a part of her being, the Church is still more intimately permeated by the sacerdotal power of Christ.[2] In those of her children who receive the power of order she is consecrated, spiritualized, so that as an instrument moved by Christ she may carry out the highest acts of the Christian cultus—those acts which constitute its centre and heart, around which all the rest arc grouped and from which they receive their meaning.

[1] The Christian cultus consists above all in the presence among men, thanks to the bloodless rile of the Mass, of the bloody sacrifice of the cross, and in the administration to each man of the greatest of the sacraments, that of the Eucharist. It consists secondarily in the administration of the sacraments preparatory either to the consecration of the Eucharist (sacrament of Order) or to the reception of the Eucharist (and here, as St. Thomas explains (III, q. 65, a. 3), we must put all the other sacraments, not even excluding Matrimony).

[2] " The minister is compared to his master as an instrument to the principal agent . . . But the instrument should be proportionate to the agent. Therefore Christ's ministers should be conformed to him . . . Consequently Christ's ministers need to be men, and to share in his Godhead by a kind of spiritual power: since the instrument shares in the power of the principal agent " (St. Thomas, *IV Con. Gent,j* cap. Ixxiv, *De Sacramento Ordinis).*

The hierarchic sacramental power, or power of order, acts as an efficient cause in the Church and in the world. It enables those who possess it to act as instrumental causes hypostatically "separated" from the Divinity—Christ being an Instrumental Cause hypostatically "conjoined" to the Divinity—in the dispensing of the graces which possess the greatest perfection—i.e. sacramental graces. And it enables them, always as "separated" instrumental causes, to make Our Lord corporeally present through all time with all the virtue of His Passion, and thus to lift succeeding generations from the slough of sin.

IV. THE MATERNAL FUNCTION OF THE HIERARCHY

j. CHRISTIANS UNEQUAL BEFORE THE HIERARCHY BUT EQUAL AS TO SALVATION

Christ, the Head of the Church, is He, says St. Paul "from whom the whole body, *by joints and bands,* being supplied with nourishment and compacted, groweth unto the increase of God" (Col. ii. 19). In these joints and bands by which the life of the Head is communicated to the whole body to give it due growth, it is easy, especially in the light of the later life of the Church, to recognize the jurisdictional and sacramental powers of the hierarchy. From St. Paul we learn how some *illuminatus,* worshipping angels with false humility, and a confidence based on merely human speculation (ibid., 18: Knox version), sought to detach the citizens of Colossae from these powers. In a parallel text of the Epistle to the Ephesians, the Apostle teaches that the inequalities of the ministry, far from forming an obstacle to the unity of the faithful in truth and in love, arc the very means to it; and that their end is to bring us all "into the unity of faith and of the knowledge of the Son of God, unto a perfect man, unto the measure of the age of the fullness of Christ" (Eph. iv. 13).1

There is nothing repellent in the idea of hierarchical inequality. If the power of order is a reserved privilege,1 its supreme justification and *raison*

1 " Once the nature of character is understood we must surely see that the doctrine of the three sacramental characters is implicitly contained in the two Pauline texts, Ephesians iv. 16, and Ccloss:ans ii. 19 * (Bernardus Durst, Abbas Ord- St. Bencd., " De Characteribus Saeramentalibus ", *Xtnia Thjmistica,* 1925, vol. II, pp. 555 and 578).

1 It will always be so as regards women. Here recall the following points:

1. No woman can validly receive the sacrament of Order, cf. St. Thomas, *Suppl.,* q. 39, a. 1. That is a provision of " divine law " rescaled by way of the tradition and attested by the constant custom of the Church, so that " all the Fathers have condemned as heretics those who in various sects have admitted women to holy orders and to the priesthood " (Gotti, *De Sacramento Ordinis,* q. 3, dub. 1: Bologna 1734, vol. XV, p. 73),

2. What are the reasons for this disine ordinance? Theologians have looked for them in Scripture and produce the well-known passages of St. Paul: " Let women keep silence in the churches: it is not permitted them to speak, but to be subject, as also the law saith " (1 Cor. »v. 34). " But 1 suffer not a woman to leach, nor to use authority over the man: but to be in silence ·' (1 Tim. ii. 12). These texts and others like them, should contain the answer to our question; but since on the

d'etre is to distribute the far more precious, wholly incomparable, riches of salvation universally to all the world. The man in whom resides the power of order is the instrument who, in the celebration of the Eucharist, brings

other hand the)' incontestably refer to the historical and contingent situation of women in the ancient world, their interpretation is a delicate matter. St. Thomas does not overlook the fact. He does not use them to conclude to any *spiritual* inferiority in the woman. He knows that " in reality, in what concerns the things of the soul, the woman does not differ from the man, and it sometimes happens diat the woman, in matters concerning the soul, is superior to many men " *(Suppl.,* q. 39, a. I, ad 1). He knows that, after the example of Debora, a woman can occupy the highest rank in die government of temporal or political things. What he takes from St. Paul is that, things of the soul apart, die woman is, *as regards exterior things,* in a state of general subordinadon *(mulier statum subjectionis habet).* Gertrude von Le Fort, who has made a profound study of the true greatness of women, docs not deny it; she contents herself with the remark that " the passive and receptive side of the feminine being, which antiquity took purely negatively, appears in the Christian order of grace as the positive diing that decides all she writes of the veil that " on earth it is the symbol of mystery ", and also, " the symbol of femininity ", that " all the great manifestations of feminine life make the woman appear as veiled " *(jVoca et Vetera,* 1938, p. 58). That does not mean that women are *unfitted* for external action in the temporal order or even in the religious—to those who cited St. Paul against her St. Teresa could but reply as the Lord directed her: "Tell them they are not to be guided by one part of Scripture alone, but to look at others; ask them if they suppose diey will be able to tic My hands " *(Spiritual Relations,* in *Complete Works of St. Teresa of Jesus,* trans. A. Peers, London 1946, vol. I, p. 344). It does however mean that apart from the always possible case of an exceptional mission such as that of Joan of Arc, women have *their own peculiar type of aptitude*—which is, in general, veiled. When this observation, valid for all times though its importance may vary with the times, and implying nothing humiliating, is seen in relation to die general principles of sacramental theology, it enables St. Thomas to explain the suitability of the divine ordinance that reserves ordination for men. The sacraments, he says, being essentially signs, arc not validly conferred save when their symbolism is safeguarded (q. 39, a. 1). Just as Extreme Unction therefore, which should be given as a spiritual medicament (q. 30, a. 1) does not retain its symbolism, and is invalid, save when conferred on a sick person (q. 32, a. *1,* ad 1): so Order, which confers a hierarchical superiority, retains neither its symbolism nor its validity save when applied to the man and not to the woman, who is, outwardly, in a state of subordination (q- 39> a. 1). Thus, for the things of the soul die woman is pronounced to be man's equal, but as to certain external activities she is, as such and in general, weaker; and that is enough to prevent the symbolism of the sacrament of Order being verified in her.

3. Was Our Lady a priest? That could be maintained, even while die sacerdotal character is denied to women. We should dicn say that she was priest in an *eminent* and untransmissible way, by reason of her divine maternity, without having any *communicable* priesthood, and without *formally* possessing the character of Order. Thus the plenitude of die sacerdotal power resides in Christ, but not the sacramental character, which is no more than a participation of it (St. Thomas, III, q. 68, a. 5). The two questions therefore have no necessary* connection. But those who say, like St. Epiphanius, that Our Lady herself was not a priest, conclude from that, *afortiori,* that no other woman can be so cither, cf. *Panarion,* haer. 79; P.G. XLII, col. 744.

All Our Lady's privileges arc a consequence of the great Gospel privilege which made her the worthy Mother of a saviour God; so that if we recognize priesthood in Our Lady this will be in virtue of that first privilege. The question is, arc we so to recognize it? The priest is someone who is consecrated in order to give God to men and men to God in union wdth the redemptive sacrifice of the Cross. But according to St. Thomas (III, q. 63, a. 3) there arc two sorts of consecration: first, that of the sacramental characters, which ensures the unbroken continuity of die Christian cultus in the line of validity (particularly that of die hierarchical character of order, which ensures the permanence of the redemptive sacrifice under the eucharistie species); and second, that of the grace and charity of Christ, more deep-reaching and more precious, to which the preceding consecration is ordered, and which ensures the sanctity of the cultus in spirit and in truth. Just as we distinguish in the Church two sorts of greatness, that of the hierarchy and that of charity, so also we may recognize (as does the Roman Catechism, pt. ii. ch. vii. nos. 23-4) two sorts of priesthood; the first external, reserved to certain individuals and conferred by the sacrament of Order (which we will call the hierarchic priesthood), and the second internal and common to all the

down the presence of Christ Himself, drawing into the bloody offering of the cross those who, without daring to lift up their eyes to heaven, were making a futile search in and around themselves for that wholly pure supplication needed to obtain forgiveness for their sins, to lead other souls to the truth, to bring down each morning the heaven of love on the hard egoism of the world; to bring us Christ, whose own heart beats in the heart of His visible Church which He strengthens against all the assaults of hell. Again, this man is the instrument whom God makes use of from heaven to dispense through the sacraments, to those who approach them as suppliants, the remission of their sins, the gift of a new birth, the living water capable at once of maintaining and quenching the thirst of their exile and of springing up unto eternal life. In the presence of the riches of the sacrifice of the Mass and of the sacraments of the New Law, there remains no other inequality among Christians than the inequality of their desire and love, their hunger and thirst. It is not the hierarchic degree that counts but the degree of poverty, of humility, abnegation, suffering, and magnanimity. It was not the power to strike the rock in the desert of Sinai that quenched the thirst of Moses, but the water itself that sprang up in abundance for himself and for all the people. Thus the men of the hierarchy cannot be sanctified by the power of order taken alone, but rather by grace, the issue of this power, a grace they receive on the same conditions as all other Christians. Inasmuch as they possess the power of order, the Pope, the bishops, priests and ministers belong to the hierarchy, but inasmuch as they have souls to save, they take their place among the faithful; they belong to the "Church believing", and, when they think of the heavy account they will have to render, they are likely to consider themselves the last among men—for fear, as the Apostle

faithful (Apoc. i. 5-6: 1 Pct. ii. 5) which we will, if the expression be permitted, call a priesthood of love. The question then is, bow are we to accord the first kind of priesthood to Our Lady, and how could we *not* accord to her the second kind? Now, the doctrine concerning the Church and Our Lady which I have expounded in the second volume of the present work leads us to view Our Lady on Calvary as present as co-redemptrix of the whole world, wholly hidden within the greatness of sanctity. In my view, therefore, it is the mystical and interior priesthood of love alone, which is fittingly accorded to Our Lady. As long as these distinctions have not been made there will continue to be conflict among theologians on this point, some denying Our Lady any kind of priesthood and others recognizing in her a priesthood of the most eminent kind. The history of this dispute has been dealt with almost exhaustively by Réné Laurentin (Afarse, *ΓEglise et le sacerdoce› Essai sur le développement d'une idée religieuse* (Sorbonne doctorate thesis), Paris 1952: vol. Il *{Etude ihJologique^* 1953)· who puts the solution to the problem with admirable clarity, especially in voL I, pp. 651 fT. However, instead of following St. Thomas in distinguishing within the Church herself the ministerial greatness of the hierarchy and the terminal greatness of sanctity, the author prefers to distinguish between virility and femininity, activity and passivity, even divine grace and human nature—all of which is less satisfactory. For what can be more active, more enterprising and more daring than co-redemptive love? And what does Our Lady's co-redemptivc mediation mean if not her mystical priesthood at the foot of the cross? The theological problem once solved, there remains only the choice between two expressions—that of "co-redemptive mediation'· and "mystical priesthood"—and if the second expression seems liable to become equivocal in the course of time, the obvious choice is the first. If a magisterial definition is one day given on this subject, it will concern Our Lady's mediation, or mediatory intercession, either as co-rcdemptrix in the acquiring of the graces of salvation or codispenser in the distribution of them, rather than her priesthood.

warns them, that having converted others they should themselves be cast-aways (i Cor. ix. 27).

s. THE MATERNITY OF THE CHURCH

At the moment when the Word became flesh, the divine virtue was carried into the heart of the material universe to restore, transform and sanctify it. Not only the corporeal nature of Christ, but material nature in its entirety, was then invited to share in a dignity hitherto unheard-of. For if in the Incarnation itself it was Christ's Body that became the instrument of the Spirit of God, in the sacraments it is now other elements, of the mineral, vegetable and human order: bread, water, wine, oil, our own bodily acts and words.1 Henceforth we can say that the earth which, till then, had provided man only with his bodily life and nutriment, appears in the sacraments as provider for his spiritual life and food as well.2

But—and there is no exception save in the case of private Baptism—the minister who applies the sacraments of the New Law has to be consecrated;

1 "The Sacraments arc universal and wholly divine in this sense also, that they sanctify man's physical as well as his moral and spiritual life; and more, they consecrate and bring back to God the elemental principles of the material world. Thus in Baptism the Holy Spirit, which in the beginning of creation 'moved upon the face of the waters*, renews its hidden action on water as a primordial and representative *dement* of the material world. In Confirmation and Anointing a pure product of *vegetable* life is consecrated to become a vehicle of the action of grace upon the human body . . . etc." (Vladimir Soloviev, *God, Man and the Church, the Spiritual Foundations of Life,* trans. D. Attwaler, J. Clarke and Co., London, p. 167).

5 These considerations are borrowed from Scheeben, *Die Mjsterien des Christentums*, ch. viiiî "The Mystery of the Church and the Sacraments According to this theologian, character is, in us, distinguished from grace, as, in Christ, the substantial grace of union with the Word is distinguished from habitual grace. The character elevates our hypostasis by uniting us to the hypostasis of Christ, in us it is a similitude and a participation of what the hypostatic union is in Christ; but grace elevates our nature by bringing us into community of life with God. From this principle Scheeben deduces that if the hypostatic union is, in Christ, the root of habitual grace, the character is, in us, the root of sanctifying grace, not as containing it in a latent state but as morally demanding its presence in the soul. And when it supervenes in dependence on the character, grace is invested with a higher dignity, not only because it then adorns a member of Christ, but also because its gold enshrines the precious stone of the character, and because the robe of the child of God, when united to the seal of incorporation in the natural Son of God, shines out in greater splendour. So noble a thing is the character that it cannot be confined to any one of the powers of the soul as subject; it overflows them all, reaches the soul's very substance and calls for the presence of grace throughout it. Scheeben profoundly concludes that in the Mystical Body the configuration to Christ resulting from the impression of the character has the same significance as the configuration of the members to the head in biology; in both cases the identity of configuration is the necessary' condition of the unity of inner life and of outward action. But however seductive these views of Schechen's may be, they clearly cannot all be reconciled with the positions taken up by John of St. Thomas and by St. Thomas himself. How docs the matter look from their standpoint? No dignity of the hypostatic order can be communicated to any mere creature. Besides this grace of union, Christ possessed another incommunicable privilege; for, from the fact that it is really united to the Word and is an organ of the Divinity, habitual grace in Him has unique perfection: it is in the nature of capital grace, it becomes the source whence grace flows to all the members of Christ. But Christ is Head of the Church not only because He communicates sanctifying grace, but as High Priest and Founder of the Christian cultus. The sacerdotal power of Christ is a created quality residing not in the essence of His soul, nor in His will, but in His intelligence. Now it is in this sacerdotal power that the character makes us participate, and that is why its immediate subject is the intelligence. "Si ergo sacerdotium Christi debet esse aliquid ad intellectum pertinens, character qui est participatio talis sacerdotii, exequens ministerialiter id quod sacerdotium Christi principaliter,

he has to possess the sacramental power. The instrumental cause adopted by the Spirit to confer grace comprehends the sacrament, the minister, and the sacramental power of the minister. As compared with the other elements of this instrumental cause, the sacramental power, which is a participation of the priesthood of Christ, is the element that elevates, spiritualizes, supernaturalizes. It is therefore, as it were, the soul of the instrumental cause. It makes that cause fully fit to be used by the Spirit in the giving of His benefits.

Now, Matrimony excepted, the sacramental power needed to administer the sacraments is the power of order.[1] Moreover, that power alone enables the central sacrifice of the Christian religion to be perpetuated from generation to generation. Hence also it is the power of order, the first and chief of the hierarchic powers—thesecond being the jurisdictional or pastoral power—to which the maternal function of the Church is primarily and principally due.

This maternity' is much more than a mere touching evocation of the cares and tendernesses of a mother in the work of the hierarchy as the "teaching Church". It means that the hierarchy has all that real importance for our supernatural life that a mother has for her children's natural life. Scheeben, who makes much of it, indicates the two chief aspects of this maternity': fecundity *(Fruchtbarkeif},* which he refers wholly to the power of order, to the *sacerdotium',* and the educative and pastoral function *(Hirtengewalt),* which he refers to the power of jurisdiction. When he speaks of fecundity he recalls that the Holy Spirit, who by the mediation and free acquiescence of Our Lady, formed Christ to give Him to the world, avails Himself to-day of the mediation of the power of order to make this same Christ substantially

debet etiam ad intellectum pertinere", writes John of St. Thomas (III, q. 63, disp. 25, a. 4, no. 12; vol. IX, p. 36g). St Thomas sap expressly that the character, from the fact that it is an instrumental virtue, cannot reside in the soul in the manner of grace (III, q. 63, a. 5, ad 1). The capital grace of Christ might, in a broad sense, be taken to cover both sanctifying grace and His sacerdotal power. " Character ... derivatur a sacerdotio Christi et potestate excellentiae quam, ex vi gratiae capitis, habet supra totam Ecclesiam; quae aliquid physicum est", writes John of St. Thomas once more (ibid., a. 2, no. 121, p. 350). Although it is the common effect of the three divine Persons, the character, being a participation in the priesthood of Christ, can be called " character of Christ "; and since Christ is hypostaticaDy united to the Word, it could be said that the character conforms us to the Word rather than to the Father and the Holy Spirit But it is not superior to grace: it is referred to the priesthood of Christ and therefore to Christ as Man; whereas grace is an immediate participation of the divine nature: " In exemplaritate et participatione character respicit sacerdotium Christi, et consequenter Christum secundum quod homo; in quo differt a gratia, quae est immediata participatio naturae divinae " (ibid., a. 3, no. 4, p. 366). Can one say, after that, that grace is ennobled by the character as gold by a diamond? Following John of St. Thomas I prefer to say that what enriches grace is the sacramental modality it gains when conferred through the sacraments, are conformed to Christ more by grace than by the sacramental character. The latter remains intact in hell. It will no longer be needed in heaven, where our exterior worship will have ceased, as St. Thomas says (III, q. 63, a. 5, ad 3); it will therefore not be partaken by all the elect. But in all the elect grace will have attained its sacramental flowering. Here, undoubtedly, we are in the presence of two great divergent conceptions of the character. We must choose. The one seems to admit a sort of participation in the hypostatic union and, in a way, to raise the order of the hierarchy above the order of sanctity. The other, that of St. Thomas, fully safeguards the primacy of the order of love in time and eternity.

[1] Matrimony is a sacrament only if contracted by the baptized. Baptism can, of course be administered even by the unbaptized.

present in our midst under the eucharistie species: so that the maternity of Our Lady to which we owe the birth of Christ, finds a kind of replica in the maternity of the power of order, to which we owe the eucharistie Christ.

Nor does the maternal function of the priesthood stop there. It touches all Christians who, by way of the sacraments, arc incorporated into Christ as His members and compose His Church. It is the power of order, the priesthood, which, as a mere instrument indeed of the divine omnipotence, brings forth children at Baptism, prepares them for the struggle of life at Confirmation, nourishes them with the eucharistie Bread, cleanses them of their stains and heals their infirmities by Penance and Extreme Unction; and finally renews and perpetuates itself by the conferring of Orders.1

On the day of the Annunciation the Holy Spirit gave a mysterious fecundity to Our Lady, making her the Mother of Christ and consequently the Mother of all men. This fecundity He now communicates, in a different and analogical manner no doubt, to the power of order, to the priesthood, so that it may bring the eucharistie Christ into the world and generate the Church which is His Body; the Body to which all who are to be saved must either consciously or unconsciously belong. Here, at its purest and highest, we have the maternal function of the hierarchy.

If we include the hierarchic function within the very heart of the Church, and make "the Church" a fusion of the "Church teaching" and the "Church believing", then, to those who ask why Christ should have recourse to a hierarchy to baptize, consecrate the Eucharist, remit sins and so forth, we shall answer with the mystical theologians of the Middle Ages2 that undoubtedly Christ alone could have done all these things, but that, having entered into union with the Church as with His Spouse and as His own flesh, He willed to receive His immediate children from none but her.3

3. THE DEFICIENCIES OF CERTAIN MEMBERS OF THE HIERARCHY; TEXTS OF ST. JOHN CHRYSOSTOM AND ST. AUGUSTINE

The depositaries of the hierarchical powers who, in Christ's name, proclaim the truth and communicate life, may, by their personal conduct,

1 "The maternity of the Church in the strict sense is the prerogative, not of all her members, but only of the depositaries of her fecundity and of her pastoral power by which the children of the Church arc begotten, cared for, educated. It belongs, in a word, to the fathers of the Church. We naturally call them fathers on account of their sex, since Christ ordained that the high functions of the Church should be carried out by men. But if we consider their place in the Church formally and on its supernatural side, if we look rather at their dignity than at their persons, then it is the character of maternity that specially appears in them. United to the God-man in a particular way in the Holy Spirit, they appear in fact as the intermediary by Avhich the God-man, like a father, begets, cares for and educates his children. What precisely has to be taken into account from this standpoint, is not the multiplicity of their persons but the unity of their relation to Christ and to the Holy Spirit, a unity which finds its genuine expression in the jurisdictional dependence of all Christians with regard to the depository of the full pastoral powers" (M. J. Scheeben, op. dt., §80, P- 533).

1 For example, Isaac of I'Etoile.

'The above views the Church's motherhood from the standpoint of the greatness of the hierarchy; the motherhood arising from her sanctity is more mysterious yet.

offend and even betray Christ. The important thing is that Christ's message and Christ's holiness should, in spite of all, be passed on to other men There will always be hearts ready to receive them, a deep and fertile earth in which they can strike their roots. Nobody would be excused *for* pleading the thorns as a pretext for neglecting the roses. St. John Chrysostom puts it plainly enough: "You are asked to get rid of your sins, not to show that others have committed the like." "We are ready," he says, "to give an account of ourselves. Even if that were not so, even if your teachers were corrupt, rapacious, avaricious, their perversion would not be your justification. For the Lover of man, the All-wise, the Only-Begotten Son of God, seeing all things, knowing that in so great length of time in so vast a w'orld there would be many bad priests; lest their neglect should increase the carelessness of the flock, removing all excuse: *In Moses' seat,* saith He, *sit the Scribes and Pharisees; all things therefore they shall bid you do, that observe and do, but after their works do ye not: for they say, and do not* [Matt, xxiii. 2]; showing that even if your teacher be wayward you will not therefore be excused for failing to do the good that he teaches. God will judge you not for what your teacher did, but for what you learnt from him and did not do. So that if you do the things commanded you will be safe enough; but if you have transgressed them it will avail you nothing to point to ten thousand bad priests. Judas indeed was an Apostle, but this will never excuse the sacrilegious and the covetous; and no one accused wall be able to say: Why, even an Apostle was a thief, and sacrilegious, and a traitor! Yea, this very thing shall most of all be our punishment and condemnation, that not even by the evil of others were we corrected. For this cause also these things were written in Scripture, that we might be warned not to imitate them. Wherefore, without worrying any more about so-and-so let us be attentive to ourselves; for each of us will have to give an account of himself to God."[1]

The same saint says again when showing that the priesthood is superior to royalty: "To the king earthly things are entrusted: to me, heavenly. To me; that is, to the priest. So when you notice an unworthy priest do not attack the priesthood; the thing itself is not to be blamed, but he w'ho puts the good thing to bad use. If Judas was a traitor, that is no condemnation of the apostolate, but simply of his own life; it is not an objection against the priesthood but a sin against his conscience. Never therefore accuse the priesthood, but the priest who uses good things ill. If anyone, disputing with you, says: Look now, there goes your Christian! answer, I am not concerned with persons, but with things. For indeed, how many physicians turn out to be executioners, and instead of remedies administer poisons! But I do not blame their art, but those who use it badly. How many sailors have wrecked their ships, and yet it is not the art of navigation that is wrong, but the use they make of it. If you meet a bad Christian, accuse neither his faith nor his priesthood, but him who turns so great a thing to such ill account."[2]

[1] *In i Cor.t Homil.,* xxi; P.G. LXI, col. 180.
[1] *In illud: Vidi Dominum . . . Homil.,* iv; P.G. LVI, col. 126

About the same time St. Augustine wrote to the virgin Felicia who was disturbed by the conduct of certain of the clergy:

"I exhort you not to let yourself be too much troubled by scandals, which indeed were foretold precisely so that when they happen we may remember that they were foretold and not be disconcerted. For the Lord Himself foretold them in the Gospel. *Woe to the world because of scandals. For it must needs be that scandals come: but nevertheless, woe to that man by whom the scandal cometh* [Matt, xviii. 7]. Who arc these men, if not those of whom the Apostle says: *They seek the things that are their own; not the things that are Jesus Christ's* [Phil. ii. 21]? Thus there are those who hold the office of shepherds that they may watch over Christ's sheep; and there are those who hold it for the sake of temporal honours and worldly advantages. These two kinds of pastors, always dying and giving place to others, will both be perpetuated in the bosom of the Catholic Church till time end and the Lord come to judgment. For if in the days of the Apostles there were false brethren who made the Apostle groan and complain of *perils from false brethren* [2 Cor. xi. 26], and yet He did not cast them out but bore with them patiently, how much more now would He not meet with them; since of this age which draws to a close the Saviour said openly: *Because iniquity hath abounded, the charity of many shall grow cold.* But yet let us be consoled and encouraged by what follows: *He that shall persevere to the end, he shall be saved* [Matt. xxiv. 12-13].

"Just as there are good and bad amongst the shepherds, so there are good and bad in the flocks. The good are the sheep; the bad are the goats. But they feed together in the same pastures till the Prince of Shepherds shall come, even the *One Shepherd* [John x. 16]. Then as He promised, He will divide as a shepherd the sheep from the goats [Matt, xxv. 32]. As for us, He commands us to gather the flock and reserves the work of separation for Himself; He only may separate who cannot err. Presumptuous servants have lightly dared to separate before the time reserved by the Saviour for Himself; and these are they who are separated from Catholic unity. All soiled by schism as they are, how can they call themselves a clean flock?

"So therefore that we may remain in unity, not leaving the Lord's threshing-floor even when we arc scandalized by the chaff, that we may remain like grains of wheat till the time of the winnowing, and thanks to the charity that brings stability may bear with the beaten straw, our Shepherd Himself speaks in the Gospel both of the good shepherds, asking us not to put our hope in them on account of their good works but to glorify Him who made them such, their Father in heaven; and of the bad shepherds, represented by the Scribes and Pharisees, who teach us good things, and themselves do evil.

"For of the good shepherds He says: *You are the light of the world . . . so let your light shine before men that they may see your good works and glorify your*

Father who is in heaven [Matt. v. 14-16]. r\nd of the bad shepherds He says: *The Scribes and Pharisees have sitten on the chair of λfoses. All things therefore whatsoever they shall say to you, observe and do; but according to their works do ye not: for they say and do not* [Matt, xxiii. 2-3]. If they understand these words, the sheep of Christ will know how to hear Christ's voice, even in the evil teachers, and will not forsake the unity of the flock. For the good things they hear them say come from Him, not them; they feed then in safety, and even under bad shepherds they arc nourished in the Lord's pastures. But they do not the works of die bad shepherds, for these works come from them, not Him. AVhcn they see die good shepherds, not only do they listen to the good things they say, but they follow the good things they do. So it was with the Apostle who said: *Beyefollowers of me, as I also am of Christ* [1 Cor. xi. 1]. He was a light kindled by the Eternal Light, the Lord Jesus Christ . . ,"[1]

Here we have, applied to the Church teaching, the very distinction wc made with respect to the Church as a whole, when wc said that she was not without sinners, but without sin.

EXCURSUS II

SOME RECENT VIEWS ON THE SACRAMENT OF ORDER

Recent historical researches have resulted in the reappraisal of pontifical documents concerning the extraordinary minister of the sacrament of Order, and even in some cases to their discovery for the first time. This invites theologians to get to closer grips with the teaching of the Church's magisterium—particularly at the Council of Trent—on the sacrament of Order, so as to determine its bearings with reference to the numerous opinions held hitherto. In addition, the promulgation of the Apostolic Constitution on the Holy Orders of the Diaconate, Prcsbyterate and Episcopate (30 Nov. 1947 by His Holiness Pope Pius XII, which declares what arc the form and matter henceforth valid for each, is a major event as far as the history of the sacrament of Order is concerned. From all this it follows that we may with profit re-examine the teaching of earlier theologians concerning the degrees of Order and their origin. My intention here is to give a short exposé of the present state of the problem and to indicate which would seem to be the solutions to be preferred.

i. Tile Code of Canon Law

According to the Code, "by virtue of a divine institution [ex divina institutione] there arc in the Church *clerics* who arc distinguished from the *laity,* although all clerics are not of divine institution" (can. 107). Thus certain clerics are distinct from the laity under divine law.

Clerics "are not all of the same rank, but a sacred hierarchy exists among them in which they' are subordinated one to another" (can. 108, §2).

[1] *Epixt.,* 208, 2 and 5.

There then follows the fundamental text on the subject of the hierarchy: "By virtue of divine institution [ex divina institutione] the sacred hierarchy comprises [constat] bishops, priests, and ministers in the line of order [ratione ordinis]; and in the line of jurisdiction [ratione jurisdictionis] a supreme pontificate and a subordinated episcopate. But by virtue of an institution of the Church [ex Ecclesiae autem institutione] other degrees besides have been added" (can. 108, §3).

Canon 109 recalls that admission to the hierarchy "depends on neither the consent or demand of the people nor the secular power. Where the degrees of the power of order are concerned it takes place by holy ordination [sacra ordinatione]; where the supreme pontificate is involved it takes place by the divine law itself [ipsomet jure divino] as soon as there has been legitimate election and its acceptance; where the other degrees of jurisdiction, by the canonic mission [canonica missione]".

Canon 329 states further that "the bishops are the Apostles' successors" and that "by virtue of a divine institution [ex divina institutione] they are put in charge of the various particular Churches, which they rule with an ordinary power under the authority of the Roman Pontiff".

It should be noted that there is no question of two hierarchies, one of order and the other of jurisdiction. The Code recognizes one hierarchy alone, comprising degrees of order and of jurisdiction. This hierarchy is of divine institution.

In the line of jurisdiction it has two degrees, instituted directly by Christ and hence of divine law: the supreme pontificate over the universal Church, which is handed on to the successors of Peter only; and the subordinate episcopate, which is handed on to the successors of the other Apostles and by which the various Churches are ruled.

In the line of order, which we are at present considering, the hierarchy has three degrees: bishops, priests and deacons. In view of this, how are we to interpret canon 108, §3? Should we translate it: "By virtue of a divine institution the hierarchy comprises, in the line of order, three degrees: bishops, priests and deacons"? That is the version which seems most natural. If it be followed, we shall recognize distinctions of divine law between episcopate, presbyterate and diaconate in the line of order. On the other hand we can limit the sense and read (though this is decidedly strange): "The hierarchy, which is of divine institution, comprises, in the line of order, three degrees: bishops, priests and deacons" or again "The hierarchy, by virtue of a divine institution, comprises powers of order and of jurisdiction; the powers of order are distributed in three degrees—bishops, priests and deacons." If we do this we leave open the question whether the distinctions between episcopate, presbyterate and diaconate are of divine or canon law.

In this matter the Code would surely have wanted to follow the teaching of the Council of Trent on the sacrament of Order. The Council said: "If anyone shall say that in the Catholic Church there is not a hierarchy instituted by divine ordinance [divina ordinatione institutam] and comprising bishops, priests and ministers, let him be anathema" (Session XXIII, can. 6, Denz. 966). But what does this declaration itself signify? What is the definition concerned with? According to some, this is quite clear; the Council maintains that the distinction between episcopate, presbyterate and diaconate is of divine law. Among others, Cardinal Gasparri, who was later to take a large part in the drawing up of the

Code, held this view.1 According to others, Trent defined that the hierarchy is of divine institution, and did not define that die three degrees of order are so instituted.

The question is who is right? And what was the Council's intention? For my own part I think that: *a.* the three degrees of Order are indeed of divine institution; *b.* this point was of set purpose left outside die scope of the conciliar definition.

2. The Council of Trent and the Distinction Between Priests and Bishops in the Line of Order

I. Here are the various statements of the Council of Trent on the point under discussion (Session XXIII):

Chapter 4: "For this reason the holy Council declares that the bishops, successors of the Aposdes, belong principally to this hierarchic order, more than the other ecclesiastical ranks; and that they are, as the same Aposde says, placed by the Holy Spirit to rule the Church of God [Acts xx. 28]; *that they are superior to priests, confer the sacrament of Confirmation, ordain the Church's ministers,* and carry out numerous duties, *functions over which those of an inferior order have no power.*11

Can. 6: "If anyone shall say that in the Catholic Church there is not a hierarchy instituted by divine ordinance and comprising bishops, priests and ministers, let him be anathema."

Can. 7: "If anyone shall say *that bishops are not superior to priests, or have not the power to confirm and ordain, or that the power which they have is held by them in common with priests* . . . let him be anathema" fDenz., 960, 966, 967).

Thus bishops are superior to priests by virtue of the fact that they have a power of confirming and ordaining which is not transmitted to priests.

2. The Fathers of the Council had to examine, among others, the two following errors:

"There is no ecclesiastical hierarchy, and all Christians are priests equally; the request of the civil authority and the consent of the people are required for the use or exercise of the priesthood: he who has become a priest may become a layman again."

"Bishops are not superior to priests and have not the right to ordain; or if they have, they have it in common with priests . . ."2

In order to give an answer to the first error, the opening formulae of Canon 6 are content to affirm the existence of the hierarchy—"If anyone shall say that there is not a hierarchy in the Catholic Church, or that all Christians are equally priests and have the same spiritual power, let them be anathema."3

"If anyone shall say that in the Catholic Church there is not a hierarchy comprising bishops, priests and other ministers, let him be anathema."4 A few days

1 " Dicimus in primis certum esse primos tres gradus esse divinae institutionis, nempe episcopatum, presbyteratum et diaconatum. Id definivit Concilium Tridentinum . . . *Hirrarchia dicina ordinatione instituta constans episcopis, presbyteris et ministris* indicat clare episcopatum, presbyteratum et ministerium (quod saltem erit diaconatus), esse divinae institutionis" *[Tractatus Canonicus de Sacra Ordinatione,* Paris 1893, vol. I, no. 31, p. i3. Cf. vol. II, nos. 1148-50. PP· 301-2).

1 Stephanos Ehses, *Acta Concilii Tridentini,* Freiburg-i-B 1924, vol. IX,

' ibid., pp. 228, 231. cf. p. 40.

4 ibid., p. 602, n. 1.

before the twenty-third session, the Archbishop of Otranto proposed the formula which, with one word deleted, was finally adopted: "If anyone shall say that in the Catholic Church there is not a hierarchy instituted by divine ordinance [divina ordinatione institutam] comprising bishops, priests and [other] ministers, let him be anathema."[1]

To begin with this was accepted by all. Then some, on second thoughts, wanted to substitute for the phrase "divina ordinatione institutam", which was too general for their liking, others such as "Episcopos institutos a Christo" or "hierarchiam institutam a Christo" or "peculiari et particulari divina ordinatione"[2] or "ordinatione divina Christi".[3] To this the legates replied that "they did not deny that bishops are instituted by Christ, but this demanded precision; they stem from Christ not immediately but mediately through the Sovereign Pontiff; or, they stem from Christ [immediately] in that which concerns order but not in that which concerns jurisdiction".[4]

As an answer to the second error, the council is constant in affirming that bishops are superior to priests by virtue of their power to confirm and ordain. But to the very last there were two tendencies among the Fathers of the Council. Some wished to insert in Canon 7 that the institution of bishops is of divine law: "If anyone shall say that bishops arc neither instituted by divine law nor superior to priests . . ."[5] or even that it is due to Christ: "If anyone says that bishops are not instituted by Christ in the Church, or that they are not above priests by holy ordination . . ."[6] The others refused, and it was they who prevailed.

(3) We now have to consider the three chief reasons for this refusal. First, on grounds of economy: it was not necessary to define further than would exacdy suffice to condemn the Protestant error in question.[7] Second, a more immediate reason: a number of Catholic writers, Jerome among them, have held that the distinction between bishops and priests is of canon law only. The Council had no intention of cutting short this debate.[8] Third (and apparently this reason weighed most) : given the circumstances and intellectual climate of the time, a clause defining that bishops are instituted under divine law might have encouraged a brief that they hold their powers direcdy from God, without their jurisdiction's deriving from the Pope.[9]

The intention of the Council is thus clear. It did not wish to define that the superiority of bishops over priests is of divine law. And thus it would be useless to look for a definition of this kind in the final draft of Canon 6. Moreover, certain of the Fathers of the Council subscribed to the Canon only after declaring their regret that it was not explicit on the subject of the divine right of bishops.[10]

1 ibid. The final wording omitted the word "other" (p. 622).
5 ibid., p. 602, n. 1.
6 ibid., p. 616, n. 6.
4 Paleotti, *Acta Concilii Tridentini,* ed. Gorres, vol. III, 1931, p. 691. Cited by H. Lenncrz, S.J. *De Sacramento Ordinis,* Rome 1947, p. 86, no. 150.
* Ehses, op. at., p. 3; p. 4, n. 1; p. 32, n. 6; p. 40, n. 3 and 4; p. 49 etc.
4 ibid., p. 228; p. 49.
7 ibid., p. 4.
s ibid., pp. 55 ct seq.
* ibid., p. 54, lines 9-19. On p. 4, line 12 and p. 181 lines 33-5, the question arises of clerics exempted by the Pope from the jurisdiction of their bishops. A formula affirming the divine institution of bishops and at the same time their dependence on the Sovereign Pontiff was to be proposed finally, only to be rejected (ibid., p. 107, note 2).
10 ibid., p. 622, n. 4, p. 623, lines 16—19.

(4) All those who study the *acta* of the Council of Trent come to the same opinion. Michel writes that Canon 6 "proclaims as a dogma of faith the existence of this [catholic] hierarchy and in so doing defines as an article of faith the distinction between clerics and laity. This distinction is of divine law: such is the explicit meaning of the incisive *divina ordinatione* which . . . extends this divine right to the [entire] hierarchy."[1] Concerning Canon 7 he adds: "It would have been interesting to settle precisely whether the superiority of the episcopate over the priesthood pure and simple is of divine law, and if so, in what sense; but on this subject the Council maintained a prudent reserve."[2] Baisi holds the same view: "The thing actually defined by the Council is that in the present state of the Church bishops are superior to priests by the power of jurisdiction and have a special power of order. But it was not defined that either this jurisdictional superiority nor the special power of order are exclusively reserved to them under divine law. It is of course possible to invoke Canon 6 against this conclusion. But the Acts of the Council of Trent show that the expression 'divina ordinatione institutam' does not necessarily imply direct and explicit institution by Christ but may well refer to mediate institution by way of the Church."[3] Lennerz also agrees: "Is the difference between the bishop and the priest and the superiority of the bishop to the priest in the line of order of divine law or not? Is it of direct divine institution or institution directly ecclesiastical and indirectly divine, in the sense that the Church has introduced it herself in virtue of a power received from Christ? The Council of Trent deliberately left this question open and undecided. . . . By choosing the expression 'divine ordinance" it intended to exclude the question whether the hierarchy of order—the superiority of bishops over priests—was of direct divine institution . . . of divine law or no."[4]

(5) To return to Canon 108, §3 of the Code of Canon Law, which says that "in virtue of a divine *institution* the sacred hierarchy comprises in the line of order bishops, priests and ministers . . . two courses are open to us. On the one hand wc can try to reconcile it more or less (and it will be less rather than more) with Canon 6 of the Council of Trent. On the other we can maintain straightforwardly that it undertakes on its own responsibility a precision and determination of a doctrine which Trent left imprecise and indeterminate. I shall here follow the second course.

3· The Episcopate an Order in the Strict Sense of the Word

I. If a layman were consecrated priest directly, the ordination would be valid and would confer on him all the powers of the diaconate at the full. All theologians agree on this point. But what would happen if a layman were directly consecrated bishop?

Some theologians think that such an ordination would be invalid. According

1 A. Michel, art. Ordre , *Did. de Thfol. Caih.t* cols. 1361-2. See the same texts from the

1 ibid.

1 Corrado Baisi, *Il ministro straordinario dtgli ordins wramentali,* Rome 1935, p. 69.

4 H. Lennen, op. dt., p. 86, no. 150. We cannot follow theologians who hold the contrary view—for example St. Robert Bdlannine *(Dt Clericis,* cap. xiv): "The Catholic Church recognizes the distinction and teaches that under divine law the episcopate is greater than the presbytcrate as regards either the power of order or jurisdiction. This is, in practice, the teaching of the Council

to them, episcopal ordination presupposes the fundamental power of consecrating and offering the true Body of Christ; and the episcopal powers of confirming and ordaining arc no more than a complement to this fundamental power, which is concerned with die Mystical Body of Christ. Hence we should say that the episcopate taken by itself, and inadequately, is concerned with the Mystical and not the Sacramental Christ, so that it is an Order only in the loose sense and not in the strict sense; that it is only by reason of the presupposed power to consecrate that it becomes an Order in the strict sense.[1]

According to others, such an ordination would be valid. It would confer, by itself alone, both the power to consecrate the Eucharist and the powers of confirming and ordaining. In this view, the episcopate is not complementary to the priesthood, but a whole of which the priesthood is a part.[2]

Which opinion is to be preferred?[3] This is a question which history must decide. And history' establishes with a sufficient degree of certitude that episcopal ordination given to subjects who were not priests has been regarded as valid. "At the historical level, there can be no doubt about the independence of the episcopate with regard to the priesthood. The fullness of the sacerdotal power has frequently been conferred by episcopal ordination on subjects who were not priests."[4][5]

I shall therefore maintain the view that the episcopate is an Order in the strict sense, and that it is the whole of which the priesthood is a part.[6]

2. What was the thought of Sl Thomas concerning the power conferred by episcopal ordination?

A. If we go by what he wrote in the commentary on the *Sentences*, we shall hold that the bishop possesses a power or order which is conferred on him by consecration, over and above the power ofjurisdiction which is conferred on him by

1 According to St. Thomas *(In IVSent.,* d. 24, q. 3, a. 2, quacst. 2, and d. 25, q. 1, a. 2, ad 2), the episcopate supposes, apart from the power ofjurisdiction, a power of order conferred by means of consecration and impossible to lose. But since this power is not related to the Eucharist it represents neither a sacrament nor a sacramental character: " An Order does not depend on the preceding Order as to its validity; but the episcopal power depends on the sacerdotal power since nobody can receive the first if he does not possess the second."

3 St. Robert Bellarmine, *De Sacramento Ordinis,* cap. 5: " Episcopal ordination is a sacrament . . . The episcopate includes the priesthood in the scope of its concept and in its essence . . . The full and perfect episcopal character is not a simple quality but comprises a twofold character . . . It is impossible to ordain a bishop who either is not a priest already or docs not receive at the same time the twofold ordination which is the essence of the episcopate."

' The question was left open by Leo XIII in Ids Apostolic Letter on Anglican Ordinations, 15 Sept. 1896: " This is not the place to go into the question whether the episcopate is complementary to the priesthood or an Order distinct from it, or the question whether the episcopate produces its effect when conferred *pa saltum,* that is to say on a subject who is not a priest."

4 H. Lcnnerz, op. dt., p. 84, no. 147. See the texts which support this condusion, though not all with equal force: pp. 23, 25, 26, 42, 43, 47, 55, 57, 62, 84, 85: nos. 43, 48, 50, 76, 79, 86, 97, 99, too, 113, 148, 149. Lcnnerz's conclusion is much clearer than that of Tixcront, *(L'ordre et les ordinations, étude de théologie historique,* Paris 1925, p. 233) : " Morin thinks that there is no example of a bishop consecrated without being ordained priest beforehand. Martenc, Mabillon and D. Chardon are of a different opinion however. . . These facts and texts seem to prove that on several occasions ordinantis who had not previously received the priesthood have been consecrated bishops. But it should also be noted that many of these consecrations, at least, have been strongly censured or even considered null."

5 It does not follow that there arc eight Orders. The seventh Order in the priesthood, which comprises two degrees: it is full in the superior degree and partial in the inferior degree. Moreover, the Council of Trent did not define the number of Orders.

delegation. But this power of order should be divided into two distinct powers, both of which cannot be lost:

(a) The principal power of consecrating the true Body of Christ. This power alone is sacramental; it represents the character of Order and is common to both bishops and priests.

(i) The secondary power of directing the worship and the hierarchic action of the Mystical Body of Christ; here the bishop, who can confer Confirmation and all the Orders, is superior to the priest. But in virtue of the fact that it is concerned with the Mystical Body of Christ this power is non-sacramcntal and exterior to the character of order.

The first power represents Christ by exercising a ministry itself; the second represents Him by instituting ministers who will exercise the ministry, and by organizing the Church.[1]

B. Is this St. Thomas' definitive position? Docs he maintain this division of the power of order: that is, into two powers, both conferred by a sacrament which cannot be repeated, both impossible to lose, one sacramental because directed towards the true Body of Christ and the other non-sacramcntal because directed towards the Mystical Body of Christ? This is not certain. Here is my own view of the matter:

In the fourth book of the *Contra Gentiles,* in the seventy-fourth chapter, he writes that: (i) The spiritual power of order is sacramental by virtue of being passed on under visible signs: (2) That this power is ordered to the dispensing of the sacraments: (3) "That it belongs to the same power to confer a perfection and to prepare the matter for the reception of the perfection . . . If then the power of order is ordered to the consecration of the Eucharist and the giving of it to the faithful then this power must also be ordered to making the faithful apt to its reception . . . the power of order must therefore extend to the remission of sins by the dispensation of the sacraments instituted to this end, that is, Baptism and Penance." Thus the one sacramental power is ordered directly to the true Body of Christ and indirectly to the Mystical Body of Christ. On this principle we can no longer distinguish two powers of order of bishops—that is, one sacramental because ordered to the true Body of Christ and one non-sacramental because ordered to the Mystical Body of Christ.

St. Thomas said *(Jn IV Sent.,* d. 25, q. 1, a. 2, ad 2) that the power received by bishops on their elevation is not a character although it comes from a consecration and cannot be lost, "because it orders man not directly to God but to the Mystical Body of Christ". In the *Summa* (III, q. 63) he teaches that the faithful arc prepared "for the acts necessary to the Church as she is at present by a certain spiritual sign imprinted on them which is called the 'character' " (a. I, ad 1): that it is properly speaking ' the sacramental character" which prepares the faithful "to receive or to dispense to others the things of the cultus", and that this character is nothing other than "a participation in the priesthood of Christ derived from Christ Himself" (a. 3); that the sacrament of Order is a preparation for "dispensing the sacraments to others" (a. 6); that "in order to do or to receive something which is related to the cultus of the priesthood of Christ" it is necessary to receive "a sacrament which imprints a character" (a. 6, ad 1). The sacramental character of order is in all cases defined as the power to dispense the sacraments; it is nowhere confined to the power to consecrate the Eucharist.

[1] *In IV Sent.,* d. 24, q. 3. a- 2» quaat. t and 2: d. 25, q. 1, a. 2, ad 2.

C. In conformity with these views the position held will be that the power of bishops is an extension of the sacramental power of order, the sacramental character of order. Its supreme act concerns the true Body of Christ; its secondary act concerns the Mystical Body of Christ. The power of bishops is thus superior to that of priests not intensively, relative to the Sacramental Christ, but extensively, relative to the Mystical Christ. The power to consecrate priests destined to perpetuate the Eucharist itself stems from the sacramental power of order even more directly than the powers to baptize and absolve, which dispose the faithful to receive it.[1]

Here we link up with the text of the Apostolic Constitution on the Holy Orders of the Diaconate, Prcsbyteratc and Episcopate of 30 Nov. 1947: "The sacrament of Order instituted by Christ Our Lord, which confers a spiritual power and the grace for the holy discharge of ecclesiastical functions, is one and the same for the universal Church" (no. 1). There can be no doubt that the spiritual power and grace in question from the opening of the Constitution onwards are of the sacramental order. Further on we read: "All admit that the *sacraments of the New Law,* being sensible signs and producers of invisible grace, should signify the grace which they produce, and produce the grace which they signify. *Now the effects which the sacred ordination of the diaconate, presbyterate and episcopate ought to produce and thus to signify—that is, power and grace—are,* in all the rites in use in the universal Church, in divers periods and countries, *adequately indicated by the imposition of hands and the words which determine it"* (no. 3). From the evidence of this text it results that ordination is a sacrament not only in the case of the diaconate and presbyterate but also in the case of the episcopate: and that the power which it confers is sacramental not only in the case of the first two but in that of the third also.

3. How is the grace of the episcopate to be defined? Understood in a very broad sense, as including, beyond the effects of episcopal consecration, the privileges which generally belong to bishops, it will divide into three levels.

(1) The power of order, with the fullness which it has in bishops and thanks to which it is passed on from age to age since the time of the Apostles by an uninterrupted succession termed apostolic, ensures the eucharistie permanence of the sacrifice of the cross and the dispensation of the sacraments of the New Law. This cultus is entirely messianic in as much as it refers to the first coming of Christ and eschatological inasmuch as it prepares for the second coming of Christ. The charismatic power of bishops, which guarantees its continuity, is a perfect and plenary participation in Christ as Priest.

[1] According to John of St. Thomas " the character is a power ordering men to the dirinc *cultus,* either by action or reception . . . But three sacraments order men to action or reception. Therefore they imprint a character . . . The sacrament of Order concerns action, for by it men are prepared to consecrate the Eucharist *and to dispense to others this sacrament and the other sacraments, and all this is concerned with action* " (III, q. 63, disp. 25, a. 6, no. 4; Vivès ed., vol. ix, p. 381).

"Episcopal ordination", says St. Robert Bellarminc, " is a ceremony which imprints a spiritual character and confers grace; therefore it is a sacrament. That it imprints a character appears from the facts that (a) it is not repeatable, *(b)* it gives the power to confer Confirmation and Holy Orders " *{De Sacramento Ordinis,* lib. i, cap. 5). ?\ccording to Bcllarminc, it docs not greatly matter whether the effect of episcopal consecration be the imprinting of a new character or simply the extension of the priestly character; the argument holds good in both cases. Further on, he proves that the diaconate is a sacrament, from the fact that it cannot be repeated. To those who claim that non-repcatability proves the existence of a consecration but not necessarily that of a sacramental character, he replies that " the non-rcpcatability of certain sacraments is the principal reason which allows Catholics to hold that they imprint a character " (ibid., lib. i, cap. 6).

(2) At the level of conformity to Christ as King and Prophet, the Apostles had an extraordinary jurisdiction, or apostolate, destined for the founding of the Church, to which there has succeeded a permanent jurisdiction or pontificate (divinely assisted) which is destined for the preservation of the Church; die jurisdiction, here taken in its full sense, comprises the power to declare the revealed deposit, and the canonical powers. The universal jurisdiction or sovereign pontificate primarily resides entirely in the Pope alone; but it is participated by the episcopal college united to the Pope and associated with his mission and his concern with catholicity and die expansion of the Church. Moreover, the bishops possess a particular jurisdiction over their own dioceses.

(3) At the level of conformity to the sanctity of Christ, the Apostles, who were the princes of the hierarchy, were also the princes of charity. If, then, the bishops receive at their episcopal consecration the graces which will dispose them to the holy exercise of their functions as pastors of given peoples and—collectively—as participants in the universal pastoral power of the Sovereign Pontiff, it is clear that they will be placed in an exterior state of life analogous to that of die Aposdes. St. John Chrysostom regards the bishops' state of life as more difficult, but of a greater perfection, than that of religious; and St Thomas draw's on this doctrine when he teaches that perfecdon of life, at least initial, is necessary for the episcopal state.[1]

4. How Are Episcopate and Presbyterate to be Distinguished in the Line of Order?

I. According to the Council of Trent, bishops exercise "functions over which those of an inferior order have no power''; they have a power to confirm and ordain which they do not hold "in common with priests".

Before this, the Council had declared: "If anyone sax's that the ordinary' minister of Confirmadon is not the bishop alone, but any priest, let him be anathema" (Session VII, De Confirmadonc, can. 3, Denz., 873). This statement the Code of Canon Law' clarifies thus: "The *ordinary* minister of Confirmation is the bishop alone. The *extraordinary* minister is the priest to whom tiiis faculty has been granted either by ordinary law' or by a particular induit of the Apostolic See" (Can. 782, §§1 and 2). A similar statement is made by the Code concerning the power to ordain. The *ordinary* minister of holy ordination is a consecrated bishop; the *extraordinary* minister is he who, even though lacking the episcopal character, has received by law or by a particular induit of the Apostolic See the power to confer certain Orders" (Can. 951).

Thus the power of being *ordinary* ministers of Confirmation and Order is reserved to the bishops. Priests can, by means of a jurisdictional delegation, be the *extraordinary* ministers of Confirmation and *certain* Orders. Which Orders, is not said. Historical research inclines theologians to think of not only the Minor Orders and the subdiaconate but also of the diaconate and even the priesthood.

2. What difference is there between the ordinary and the extraordinary powers of conferring Confirmation and certain Orders?

A reply based on John of St. Thomas would be that the physical power of confirming and conferring certain Orders is to be found in cither bishop or priest. In the bishop, who is the ordinary' minister of these sacraments, the power is always

[1] q. 185, a. I, ad 2.

unfettered in exercise and not subject to limitation; as far as validity is concerned it can be exercised immediately and unconditionally. In the priest, who is the extraordinary minister of these sacraments, this power is always subject to limitation and is ordinarily so limited; as far as validity is concerned, it cannot be exercised save in dependence on a concession, authorization or jurisdictional delegation of the Sovereign Pontiff.[1] Something similar is the case with the sacrament of Penance; the priest has the physical power of administering it, but he cannot exercise it save in dependence on a moral condition—that is, if he has jurisdiction. It is therefore not surprising if we meet in the case of the extraordinary minister of Confirmation and certain Orders what we come across in the case of the ordinary minister of Penance.

When the Council of Trent teaches that bishops have a power to confirm and ordain which they do not hold "in common with priests" and that they exercise functions over which priests have "no power" we should understand this in the sense that in distinction from bishops priests have, for Confirmation and the conferring of certain Orders, an extraordinary power only, which is subject to limitation as far as its validity is concerned; they do not possess any ordinary power which is not subject to limitation and always unrestricted as far as its validity is concerned.

3. Does the distinction here proposed hold good in the line of order? It does, undoubtedly. The question is one of the valid exercise of the power of order, the physical power of confirming and ordaining. The fact that this physical power can be freely exercised in the case of the bishop and that it is limited in its exercise in the case of priests, in whom its exercise is subject to conditions, creates a difference between priest and bishop in the line of order itself.

If we are to say (which one hesitates to do) that a priest has not the physical power to ordain another priest, and that the bishop alone has this physical power, then the distinction between priests and bishops would certainly be more of a radical nature; it would involve not merely the exercise of the power of order but its nature as well.

5- Is the Distinction Between Priests and Bishops in the Line of Order of Divine Law or Canon Law?

I. There are two theories to be considered:

A. That this distinction is, directly, of divine law. We are to suppose that Christ instituted unchangeably two degrees in the priesthood, either Himself or by way of His Apostles. There would thus be, first, a lower degree (the presbyterate) with the powers of consecrating the Eucharist and remitting sins,[2] and the powers—subject to limitation—of confirming and conferring certain Orders: and, second, the higher degree (the episcopate) with the ordinary' powers—not subject to limitation—of confirming and ordaining. The episcopal powers for the consecration of virgins, of churches etc., are evidently of ecclesiastical institution.

B. That this distinction is directly of ecclesiastical law. We are to suppose that Christ conferred on all His ministers the fullness of the priesthood. Later,

1 Papal delegation can be given permanently and *quasi a jure.*
2 Council of Trent, session xxiii, cap. i, can. 1; Denz., 957 and 961.

a decision of the Church divided the priesthood into two degrees. As a consequence, it is a canonical disposition alone that brings it about that the powers of confirming and ordaining are unequal in the episcopate and the presbytcratc, being ordinary and not subject to limitation in the first case and extraordinary and subject to limitation in the second.

2. Is it possible to resolve the question by an appeal to history?

Lcnncrz, having assembled the texts concerning the origin of the distinction between the episcopate and the presbyterate, wrote as follows: "The difference between bishop and priest, and the superiority of the bishop over the priest, was admitted by all from the third century. Priests have the priesthood, but in its inferior degree; they do not possess pontifical dignity. This difference is to be located in the line of order and concerns the power to confirm and ordain . . . Is it a difference of divine law?"[1] He concludes: "The texts scarcely offer a sufficient foundation for answering with certitude the question, whether the difference between priest and bishop and the superiority of bishop over priest in the line of order, is instituted by Christ and of divine law."[2]

Thus two ways are left open; but they cannot, of course, both be right.

3. What is the theological state of the question?

The Fathers of the Council of Trent who held that bishops arc superior to priests by divine law and asked that this should be defined, declared that the heresy of Acrius lay in affirming " that bishops are not superior to priests in divine law"? Laynez replied that "the heresy of Aerius was to claim that all priests arc equal by dirinc law, which implied that the Popes have no power of jurisdiction superior to that of other priests.'[1] They could have been answered more directly by saying that even if the difference between priests and bishops were of ecclesiastical law only, Acrius could have been a heretic simply in virtue of refusing to the Church the right of instituting a difference of this type.[5]

Those who see nothing more than a distinction of ecclesiastical law between bishops and priests cite St. Jerome, who invokes the Epistles of St. Paul, St. Peter and St John to maintain that in the beginning the ecclesiastical hierarchy comprises two degrees only, priest-bishops and deacons; and that it was later on, in order to prevent schism, that it became necessary to set one priest-bishop before the rest in each region?

The supporters of the distinction in dirinc law answer to the objections drawn from St Paul that at the beginning the priesthood did in point of fact comprise two degrees, but that the *names* of priest and bishop were used for either. Theodorct, basing his position on Philippians ii. 25, thinks rather that St. Paul called

[1] op. CÎL, p. 96, nos. 102 and 163.

[1] ibid., p. 98, no. 167.

[1] Ehscs, *Acta Concilii TridenTun^* vol. ix, p. 76, line 33. According to St. Augustine *(De Haeresibus,* no. 53), Aerius held, among other errors, that " there is no difference that distinguishes the priest from the bishop". St. Epiphanius *(Adzcnus Haereses,* bk. i, vol. i, haer. 75, P.G. XLII, col. 508) speaks of Aerius as a madman because he said that " the bishop and the priest are equal. How could this be possible? For the order of bishops has for its end the engendering of fathers/'

* Ehscs, op. dt, vol. ix, p. 100, lines 35 et seq.

[1] The Council of Trent anathematized, for example, those who should deny that the Church can institute a liturgical feast in honour of the Eucharist, or carry it in procession (session xiii, canon 6: Dcnz., 888).

• St Jerome was dted at the Council of Trent by the zVchbishop of Rossano, who was to become Pope Urban VII, and opposed definition of the superiority of bishops as *jure divino.* Cf. Ehscs, op. at, p. 55. These texts from St. Jerome will be found in Lennerz, op. dt, pp, 38-41, nos. 72-5.

apostles those whom we call bishops and bishops those whom we call priests. In both cases we should find in St. Paul the hierarchy of three degrees, which appears so clearly in St. Ignatius of Antioch. It is perhaps possible to give a more general answer. St. Paul's intention from the start could have been only to create a hierarchy of order in three degrees—with a view to providing against the danger of schism, as St. Jerome was to say. The inferior degree is that of the deacons; die intermediary degree, that of the priest-bishops; while in the superior degree was the Apostle himself, who, to start with, organized his Churches like a vast diocese. But as the years passed and the field of his apostolate extended, he chose from among the priest-bishops successors like Timothy and Titus, to whom he reserved the actual rights of the pontificate. Thus, both in the thought of the Apostle and in divine law, his Churches, after a preparatory period in which the functions of the priest-bishops remain undifferentiated, were to move towards the unitary episcopate and an organization like that of the Churches of Jerusalem, Asia Minor and Rome. As for St. Jerome's opinion on the purely canonical origin of the difference between bishops and priests, this is no more than an exaggeration of emphasis. There had been a dispute at Rome between deacons and priests in which the first-mentioned claimed superiority over the second. This provoked a lively reaction from Ambrosiaster and St. Jerome, who, in his anxiety to emphasise the difference between deacon and priest, tended to make the latter equal to the bishop.[1]

Among the canonists of the period from the twelfth to the fifteenth century, several following Jerome were of the opinion that the distinction between bishops and priests is of ecclesiastical law; others held that it went back to the Apostles. Others again maintained that with delegation from the sovereign Pontiff each man can confer what he possesses—the ordained his Order and—according to some—the confirmed his confirmation.[3] The Scholastics were more cautious: die bishop is the ordinary minister of Confirmation and Order, and a simple priest may confirm and confer Minor Orders[4] if he has papal delegation. This was the teaching of the Council of Florence on Confirmation[5] and Orders.[6]

From the Middle Ages the thesis that there is a distinction of divine right in the line of order between bishops and priests seems to have prevailed. We have seen why the Council of Trent refused to define this, despite the pressure of certain of the Fathers. Nevertheless the Code of Canon Law seems to have taken it over when it says "... in virtue of a divine institution, the sacred hierarchy comprises in the line of order bishops, priests and ministers." This is the view which I would myself uphold.

1 These replies were provided by Bellarminc, among others *(De Clericis,* cap. 15). Lennerz has the texts of St. John Chrysostom and St. Jerome maintaining that the names of "priest" and "bishop" were in fact used interchangeably, and also the texts of Theodoret (op. tit., pp. 26, 41, 46, nos. 50, 75, 85).

SJ. Lccuycr, "La grâce de la consécration épiscopale" in *Revue des sciences philosophiques el thiolûg iques,* 1952, p. 404.

a Texts in C. Baisi, op. tit., pp. 28-35.

4 cf. St. Thomas, III, q. 62, a. 11, ad 1.

5 *Deaetum Pro Armenis,* Dcnz., 697.

4 ibid., 701.

6. The Question of So-called Reordinations

The answer given to the question of so-called "reordinations" will be greatly modified according as one adopts one or other of the theses concerning the distinction between bishops and priests in the line of order.

I. Let us briefly recall several facts. Leaving on one side the cases which arc disputed at the historical level, we may reckon up five or six Popes who have proclaimed the nullity of ordinations made by anti-popes cither in fact or presumption, schismatics, simoniacs, and have proceeded to fresh ordination. At the Roman Council of 769 Stephen III refused to recognize the ordinations of deacons, priests and bishops made by the usurper Constantine II and decided to reordain the bishops only.[1] John VIII (who nevertheless did not contest the validity of ordinations conferred by Photius at the time of his excommunication)[1] declared null the ordination conferred by the excommunicate Bishop Ansbert on the Bishop of Verceil, and this by a decision "without precedent in the history of the Popes".[3] Sergius III (904-11), following on the grim Council of Stephen VI, attacked the validity of the ordinations of Pope Formosus: "This was to pronounce a revision of ecclesiastical situations hitherto uncontested. As a result, doubt was cast on the validity of the most essential religious acts."[4] John XII of scandalous memory', dethroned by Leo VIII but reinstated for a brief period in 964, took advantage of the opportunity' to declare null the ordinations of his rival? St. Leo IX, in the course of his struggle against simoniacal ordinations, took a disconcerting decision; clerics ordained *gratis* by simoniacs were condemned to some penance and then allowed to exercise their Orders; ordinations made for money were for the most part considered as null, and repeated.[8] In 1088 Urban II reordained Daibert, who had been raised to the diaconate by the Archbishop of Mayence, who had been consecrated by schismatics.[7]

Side by side with this series of facts may be set another which stems from the origins of the Roman Church,[8] and is to be located with St Augustine[9] and the

[1] Louis Saltet, Zz; *rtordiruitims, Étude sur It scacmerA de Tordre,* Paris 1907, pp. 102-4. He is not sure whether the Council considered Constantine as truly bishop.

[1] ibid., p. 143.

[3] ibid., pp. 148-52.

[4] ibid., pp. 155-6.

[5] ibid., pp. 169-70.

[6] ibid., p. 183.

[7] ibidr, pp. 239-244. We need not put too much weight on the text in which Innocent III declares valid the sacraments administered by even a sinful priest" provided that the Church recognizes it" (Denz., 424).

[8] "From the origins of Christianity, there are two different traditions. That of Rome states that Baptism administered outside the Church can, under certain conditions, be valid and need not be repeated. The rXsian tradition considered Baptism administered outside the Church as nuU, and also that administered inside the Church by ministers of a certain degree of unworthincss; and it admitted the repetition of such a Baptism. At this early date there was almost always question of Baptism alone; but these decisions were based upon an idea which could hardly fail to be extended, later, to the other sacraments . . . The African Church first of all followed the Roman usage but later on adopted the Asian. In the middle of the third century under Pope Stephen a conflict arose between the Churches of Rome and Africa, and this was the baptismal controversy" (Saltct, op. cit., p. 387). In 692 the attitude of the Quiniscxt Council shows that" the Greek Church did not admit the reordination of heretics either. This conclusion is justified in the Greek theology of the succeeding period" (ibid., p. 58).

[9] The Donatists having admitted that" he who leaves the Church loses not Baptism but the

great Scholastics[1] and Popes such as Anastasius II[2] and Pascal II.[3] Those who follow this authentic tradition maintain that certain sacraments, Order among them, can be dispensed validly even by schismatics.

Here we must note two tilings: (i) In none of the cases of so-called Preordination" was there any thought of annulling (in the proper sense of the word), and then repeating, ordinations which should have been valid. It was simply declared that ordinations which had been considered as valid had not in fact been so, and then true ordinations took place. The traditional doctrine, according to which the sacrament of Order confers an ineffaceable character and thus cannot be repeated, was fully appreciated and never forgotten: (2) In the case of Ansbert, who was truly a bishop but excommunicate, and in the case of bishops ordained within the Church but afterwards fallen into schism or simony, there was no question of contesting the validity of their own Orders, but the validity of their exercise: in other words they were from that point onwards denied the right of conferring valid ordinations. How are these facts to be explained?

2. According to the first explanation, it will be remembered, bishops hold by divine law a power of confirming and ordaining which is proper to them. This power is ordinary, that is, not subject to limitation and always free from limitation. A heretical bishop, or a schismatic bishop, even one who is a simoniac or generally sinful, ordains illicitly but validly. Thus ordinations by such bishops ought not to be "repeated". In consequence those Popes would be right who refused to do it, and those wrong who countenanced it. The latter decision would be misleading even if taken in good faith, and much more so if under the influence of personal animosity. But we should also note that no erroneous dogmatic definition was made by the Popes concerned. The dogma of the ineffaceable quality of the sacramental character and the impossibility of repeating true ordination was always safeguarded.[4] The only disputed question would be whether the Sovereign Pontiff can control the power of validly conferring Orders in schismatic or excommunicate bishops. My own answer would be that he cannot, since the exercise of this power is of divine law. But those who hold that it is purely of canonical law would answer in the affirmative. At present the question is still open, from the dogmatic point of view.

It is surprising to see how many writers, basing themselves one on another,

power of conferring it", St. Augustine answered that neither the one nor the other was lost: " These two things arc in fact a sacrament. Both are given by way of a consecration, the one to him who is baptized, the other to him who is ordained. Thus it is forbidden, in the *Catholica*^ to repeat either die one or the other" *{Contra Epistolam Parmeniani,* lib. ii, cap. 13, no. 28).

1 St. Thomas replies to the question " Can heretics and those who are excluded from the Church confer Orders? " *{In IVSent.,* d. 25, q. 1, a. 2) by enumerating four opinions: (1) They can confer Orders insofar as they are tolerated by the Church and not after their exclusion: (2) If they have been consecrated bishops within the Church, they retain the power to confer Orders, but the bishops ordained by them will not have this power: (3) They confer Orders validly, and even sacramental grace, on those who culpably have recourse to their good offices: (4) They* validly confer Orders but not sacramental grace on those who culpably have recourse to them. This last view is the only correct one.

1 Saltct, op. cit., pp. 76-7.

' ibid., p. 267.

4 cf. Leo XIII in his Apostolic Letter on the subject of Anglican ordinations: " Since the Church has always held it a constant and inviolable principle that it is forbidden to repeat the sacrament of Order, it would be impossible for the Apostolic Sec to allow and tolerate in silence a custom of this kind.

have spoken in this connection of an obscuring of the dogma in question. Baisi cites a number of them: Many, Chardon, Saltet, Tixeront, Michel. As against them he maintains his own thesis, that the Popes concerned should never have done anything but go on to valid ordinations. Yet he himself fails to sec that whatever the theory· adopted—of ordinations sometimes invalidly repeated, or ordinations valid all the time of an obscuring of dogma in this dubious question *of* rcordinations is completely to distort the theological perspective of die matter.[1]

3. According to die second explanation bishops hold the ordinary' power of confirming and ordaining which is proper to diem, by simple canon law, and the Sovereign Pontiff can bind or loose this power at will. Hence, there seems to be no difficulty in explaining the conduct of the Popes. The Popes concerned could proclaim the nullity of ordinations and concern themselves with eventually making them valid inasmuch as, and during the period when, they had decided to limit as to validity the power of schismatic or excommunicate bishops—cither of all schismatic bishops or those only who had been ordained by schismatics, either all simoniac bishops or only those in turn ordaining for money. This is the solution put forward by Baisi, among others.[2] At first sight it seems to clear up everything, but further consideration reveals it as not very helpful and itself the source of new problems. It docs not explain how John VIII was able to recognize the validity of ordinations conferred by one excommunicate (Photius) and deny' the validity of those conferred by another (Ansbert). It does not justify' Pope Sergius III in denying the validity of ordinations conferred by' another Pope, that is, Formosus. When concerned to pronounce upon the validity of Anglican ordinations the Popes, from Julius III to Leo XIII, have been interested in one point only: were these ordinations carried out according to the Catholic rite? The question of the possible invalidity of an ordination carried out according to the Catholic rite by a schismatical or heretical bishop did not enter their minds.[3] And finally', if the Popes were able (at the time of the schism of Michael Caerularius, for instance) to bind, even tacitly and for a time—in accordance with views said to have been those "of the large majority' of the bishops and the ordinary magisterium"—the ordaining power of the orthodox bishops, what guarantee have we of the validity of ordinations in the Orthodox Church, a point today contested by none?

[1] " Is so general and protracted an obscuring of dogma admissible in the Church? These authors seem to have a somewhat original idea of the infallibility of the Pope and the Church in general. For my own part I believe that if in a matter of this kind the Pope made a mistake, and the bishops too, and that for so long a time, then it must be said that the Church made a mistake in her ordinary magisterium. Yet we know that the Church is infallible in her ordinary' magisterium. *Ergo* . . (Baisi, op. dt, pp. 152-3). There was do obscuring of dogma here. But adopt Baisi's theory that in the abevementioned cases all the Popes' ordinations were valid.

[1] op. dt, pp. 151-8.

[2] Leo XIII, *LilUr on Anglican OrdinaJionst* " In his letter of 8th March 1554 to the Apostolic Legate, Julius III makes a formal distinction between those who, having been elevated in a regular manner and according to the rite, should be upheld in their orders, and those who, having not been elevated to Holy Orders, could be so elevated if they were worthy and fit. There is here a clear distinction of two real categories of men. To the first belong those who had really received Holy Orders, either before Henry's schism or after it, through ministers attached to error or schism, but according to the accustomed Catholic rite; to the second, those who, being ordained according to the rite of King Edward, had received an invalid ordination and therefore could in due course be raised to Holy Orders . .. This principle provides the basis for the doctrine that all sacraments conferred according to the Catholic rite are valid even when the minister is a heretic or [in the case of Baptism] unbaptized."

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4. Thus, in my opinion, the theory which is imposed on any theologian who tries to elucidate the question of so-called reordinations is that of the Code of Canon Law—that which maintains that bishops differ from priests in the line of order by divine law.

7. Two Bulls Authorizing Simple Priests to Confer the Priesthood

1. The Council of Trent defined that bishops have a power of confirming and ordaining which they do not hold in common with priests.

The power of bishops is in fact ordinary, not subject to limitation and in fact always unlimited, while that of priests is extraordinary and always subject to limitation. It seems to me that this difference, which concerns the exercise of the power of order, is not of ecclesiastical law alone but also of divine law.

A simple priest possesses, then, in its limited state, the physical radical power of conferring certain Orders. The question is, which? Minor Orders and the subdiaconate, without doubt. But should we also add the diaconate and the priesthood? If the answer be no, this implies an even greater difference between priests and bishops; it concerns not only the exercise but also the nature of their powers of order. If the answer be yes, then the difference between priests and bishops in die line of order will concern solely the exercise of their powers of order, though it will still be of divine law.

2. As I have said, several medieval canonists admitted that each man could confer the Order which he had himself, provided he had a delegation from the Sovereign Pontiff; a deacon could confer the diaconate and a priest the priesthood.[1] But the large majority of theologians rejected a principle as general as this and denied to die priest the radical power of conferring even the diaconate, much more the priesthood. Today, however, there has been a change of opinion, and an ever-increasing number of theologians are of the opinion, not indeed that a deacon can confer the diaconate, but that a priest can, with a delegation from the Sovereign Pontiff, confer the priesthood. What is the justification for this change of view? Before all else, it consists in die elucidadon of three important pontifical documents.

3. The most recent Bull among these documents, that of Innocent VIII of 9 April 1489, had been known for a long time past. In it the Pope grants to the Abbot of Citeaux (for the whole Cistercian Order) and to the Abbots of La Fcrté, Pontigny, Clairvaux and Mérimont (for their respective abbeys) and to the successors of all these, the power of themselves conferring the subdiaconate and diaconate on their monks. This Bull, which cannot today be located in the pontifical archives, but whose authenticity seems beyond doubt, was published as from 1491. It alone was enough to decide certain theologians that the diaconate should be included in the Orders which a priest can confer by means of a delegation from the Sovereign Pontiff.

In 1924 was published the Bull, hitherto unknown, by which Boniface IX (1 Feb. 1400) authorised the Augustinian Abbot of St. Osyth, in Essex, and his successors, to raise his subjects not only to the subdiaconate and the diaconate but even to the priesthood. It is true that on the 6th February 1403 the Pope revoked this Bull, but this was purely to fall in with the wishes of the Bishop of

[1] cf. Baisi, op. cit., p. 32.

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London, who maintained that there had been an infringement of his right of patronage over the abbey'.1

Finally, in 1943 there was published a Bull of Martin V (16 Nov. 1427) conceding to the Cistercian Abbot of Akezelle in the diocese of Meissen, over a period of five years, the power of conferring on all his monks, without die previous authorization of the local bishop, all Orders including Major Orders, 0 omnes etiam sacros ordines".2

4. Before recognizing authentic theological *loci* in these documents disinterred by the historians, several contemporary' theologians proposed varying interpretations of them. It was said, for example, that die pontifical privileges envisaged exemptions only—that is to say, that they accorded to the abbots concerned not the unheard-of power of conferring Major Orders by themselves, but that of having them conferred by a bishop of their own choice, independendy of the local bishop;3 or again, that these abbots might have had the episcopal character; or that the Bull of Boniface IX, since it was withdrawn by' die same Pope, had only a limited scope and may lie set aside:4 and so on.

It seems, more and more, as if these interpretations should be abandoned. Here are Lennerz s conclusions,5 with which I myself agree:

> 41 We now know two Bulls, one of Boniface IX, the other of Martin V, conferring on a simple priest the power of ordaining deacons and priests; and a third Bull, that of Innocent VIII, conferring the power of ordaining deacons. There is no doubt at all as to the authenticity' of the first two Bulls. But even Innocent VII Is Bull cannot today be held as seriously suspect, and it is certain that the Cistercian abbots availed themselves for centuries of the privilege which had been granted to them. And the terms of the Bulls are clear; it is indeed a case of the conferring of Orders.
>
> "Thus three Popes have authorised a simple priest to confer either the diaconatc, or the diaconate and the priesthood. Hence it would seem that wc must conclude that a priest, given a delegation from the Sovereign Pontiff, can be the minister of these Orders. It could not be maintained that these three Popes have erred in a matter as serious as that of the minister of the sacrament of Order. As long as the Bull of Innocent VIII, the authenticity of which was not moreover clear, was the only one known to theologians, it is understandable that they should have hesitated to recognize in the Sovereign Pontiff the right to concede a privilege of this order to a simple priest. Today we know that three Popes did it; and therefore they were really empowered to do it . . .
>
> "To sum up: Sovereign Pontiffs have conceded this privilege to simple priests. Thus they can so concede it. And thus a simple priest can, given a delegation from the Sovereign Pontiff, be the minister of the Orders of the diaconate and the priesthood."

1 The texts of these two Bulls were published and discussed by Bais, op. cic, pp. 7-28 and 104-16.

1 cf. Yves Congar, O.P., " Faits, problèmes et réflexions à propos du pouvoir d'Ordre et des rapports entre le presbyterat et l'épiscopat ", in Aiaiwn-Dûu, Paris 1948, no. 14, p. 114. See also Lennerz, op. cit., p. 146, no. 240.

1 cf. V. Zubizaretta, O.C.E., *Thtologia* Bilbao 1928, vol. iv, p. 407. This is the explanation which 1 had adopted.

4 cf. E. Hugon, O.P., " Études récentes sur le sacrement de l'ordre", in *Reçue Thomiste.* 1924, PP· 481-93· The Bull's importance is on the contrary emphasized by M. J. Gerlaud, O.P. ministre extraordinaire du sacrement de l'ordre ", in Hnw *Thomiste,* 1931, pp. 874-85.

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THE POWER OF ORDER

5. I would thus maintain both that: (1) a priest delegated by the Sovereign Pontiff can confer the priesthood: (2) nevertheless the difference between bishops and priests is of divine law-1

Priests have the physical power of confirming and ordaining. The valid exercise of this power depends, as far as they are concerned, on a moral condition, that is, a concession of the Sovereign Pontiff. It is indeed in the line of order—in what concerns the valid exercise of their power to confirm and ordain—that priests are inferior to bishops. But it is, on the contrary, by a purely jurisdictional act that the Sovereign Pontiff limits their power of ordaining and confirming. When die priest is released by the Pope from limitation, he acts in the line of order; in thus freeing him from limitation, the Pope acts in the line of jurisdiction.

6. Here again we come across the distinction which recognizes in the Church, by divine law, two sorts of powers, those of order and those of jurisdiction. I do not think there is any need to go beyond this distinction, which is embedded deep in tradition, in order to attribute to the Sovereign Pontiff '"a certain power of making valid doubtful sacraments" by which he could, for example, "declare valid a baptism administered with wine."2

The distinction between what is of divine law and unalterable, and what is of ecclesiastical law and changeable, is also traditional. Moreover, it is certain that canonical institutions, which are a result of the Church's prudence, are not all changeable in an equal degree. The historian is impelled, and legitimately so, to divide them into different categories according to the degree of their importance and their stability. All the more, therefore, is it impossible, from the logical point of view, to postulate a *tertium quid,* which could not be classified under either divine law or canonical law.3

1 As opposed to Yves Congar, who writes in the article cited from *Afaison-Dini,* p. 125: " It is clear that if the episcopate and the presbyteralc are strictly distinct Orders by virtue of divine institution, the acts proper to the bishop cannot be carried out by a simple priest who remains a simple priest, and it does not appear how a papal authorisation would change his quality of simple priest." My answer would be: " The power of confirming and ordaining of simple priests is in itself extraordinary' and subject to limitation as to its validity; in removing the limitation, the Pope does not change its nature. The bishops' power of confirming and ordaining is in itself ordinary and not subject to limitation; and this is enough for us to declare, with the Council of Trent, that bishops have a power which they do not hold in common with priests. And this difference can be, as the Code of Canon Law envisages, of divine institution."

J " When, for example, Stephen II, in 753, declares valid a baptism administered with wine ..." (Yves Congar, ibid., pp. 120 and 121). I do not think that a Pope *can* declare such a Baptism valid: " If any one shall say that true and natural water is not a necessity for Baptism ... let him be anathema " (Council of Trent, session vii, De Baptismo, canon 2, Denz., 858). And I do not think that Stephen II did this. See the eleventh of the " Replies of Pope Stephen II ", published under the year 754 by Mansi, vol. xii, col. 561 : " Si in vino quis, propterea quod aquam non inveniebat, omnino periclitantem infantem baptizavit, nulla ei exinde adseribitur culpa. (Infantes sic permaneant in ipso baptismo.) Nam si aqua adfuit praesens, ille presbyter excommunicetur, poentientiae submittatur, quia contra canonum sententiam agere praesumpsit." It is clear, as Mansi notes, that the words in parentheses, which do not agree grammatically with what goes before, arc an interpolation; it appears to be due to the influence of the replies preceding and following this one, in which similar expressions are found: " in hoc baptismo permaneant ", " in co permaneant baptismo ", and in which the Pope concludes to the validity of baptism given by unworthy or ignorant priests, provided it has been according to the rites of the Church.

3 " It would appear that because of the development of our theology and perhaps the demands of polemic also, we have been led to make too radical a distinction—and one which allows of no third alternative—between an order of things divinely determined and a discipline which is the legitimate field of a law which is purely positive and ecclesiastical, a law of circumstances and opportunity. But there is surely between them, and joining them, a considerable domain where

THE CHURCH OF THE WORD INCARNATE

8. Three Orders of Divine Law, and Sacraments: the Episcopate, THE PRESBYTERATE AND THE DIACONATE

1. We may recall the words of the Code of Canon Law (can. 108, §3): "By virtue of a divine institution, the sacred hierarchy comprises in the line of order bishops, priests and ministers". We have sufficiently discussed the episcopate and the presbyterate. Theologians consider it as a commonly held and certain thesis that the diaconate also is a sacrament.[1]

Cajetan is sometimes cited as if he were of the contrary opinion.[2] It is true that he thought that the 'deacons of the table" mentioned in Acts vi. 2-6 should be distinguished from the "deacons of the altar". And to this it might be replied that we sec the "deacons of the tabic" preaching in the case of Stephen (Acts vii) and baptizing in the case of Philip (viii. 12). But Cajetan immediately adds "Although the deacons of the altar were not instituted in tills instance, *il seems nevertheless that they were instituted by the Apostles,* although we know neither the lime nor the place. In point of fact Paul mentions bishops and deacons (Phil. i. 1); and in 1 Tun. iii. 1-10 he describes in succession die duties of bishops and those of deacons. Now these two Churches—that of the Philippians and that of Ephesus —to which Timothy belonged, were Churches of the Gentiles, in which it does not appear that Christians lived in common, as they did at Jerusalem. And thus they had no need of deacons to occupy themselves with the serving of tables and with widow's. Their deacons must therefore have been deacons of the altar . . . *The Apostles appear to have ordained deaeons,* not, as now, by saying 'Receive the power of reading the Gospel', but *by the imposition of hands."*[3]

2. The primitive and apostolic rite of ordination is the imposition of hands. The rite of the proffering of the instruments, which symbolized the power accorded by the various Orders, was added in the West as from the high Middle Ages. As to the question of whether it was an adventitious rite, or an essential rite which relegated became the imposition of hands to a secondary place, opinions are divided.

It is admitted by all that the seven sacraments were instituted by Christ and that the Church cannot, as to their administration, modify anything save that which leaves their substance intact—"salva illorum substantia" (Council of

realities stemming from Christ Himself arc under the canonical power of the Church: an area in which many things represent neither formal determinations of Christ nor simple instances of a purely positive and variable law, but rather ecclesiastical traditions" (Congar, op. cit., p. 126). It will be agreed without difficulty that one and the same institution can stem, under one aspect, from divine and unchangeable law, and under another aspect, from canonical and changeable law. A little further on (p. 127), we read " Moreover, since the Middle Ages were not dominated, as we are, by the idea of revelation as closed at the deaths of the Apostles, and had not reached in this matter ideas as clear-cut as ours, they took a freer and larger view of the inspirational role of the Holy Spirit in the life of the Church." But these formal distinctions between the power of order and the power of jurisdiction, divine law and canon law, the deposit of God's revelation and its unfolding by the Church, arc all medieval.

1 Billuart, *De Sacramento Ordinis*, dissert, x, a. 3, §1: Brunet's edition, vol. vii, p. 320; Lcnnerz, op. cit., p. ii6, no. 185.

' Billuart, Lennerz, etc. Also Baisi, op. cit., p. 51, where he writes of Cajetan " Ha perô la veramente strana idea che il diaconato *non sia stato immediatam™tc isliluito dagli apostoli* Now Cajetan says exactly the opposite.

1 Cajetan, *Opiisiula,* vol. i, tract, xi, " De Modo Tradendi seu Suscipiendi Sacros Ordines

Trent, Session VII, De Sacramentis in Genere, can. 1; Session XXI, cap. 2: Dcnz., 844 and 931).

In his Apostolic Constitution on the Holy Orders of the Diaconate, Presbyterate and Episcopate,[1] 30 November 1947, His Holiness Pope Pius XII recalls these points in the process of setting out clearly what is the substance of the sacraments: "The Church has no power over the *substance of the sacraments,* that is, over what Christ Our Lord Himself wished should be kept permanent in the sacramental sign, as the sources of divine revelation witness" (no. 1). This is the point at which there begins the divergence of opinion between theologians.

Some conclude that the Church can change nothing in either the form or the matter of any of the sacraments. Hence, the proffering of the instruments can never have been anything more than an adventitious rite. The difficulty here is that the Council of Florence, explaining in the *Decreta Pro Armenis* what it calls the "truth of the sacraments",[2] declares that "the sixth sacrament is that of Order, the matter of which is the *giving of the object which confers the Order,* the presbyterate being conferred by the giving of the chalice with the wine and the paten with the bread, the diaconate by the giving of the Gospels . . . etc. And this is the form of the priesthood: *Receive the power of offering the sacrifice in the Church for the living and for the dead, in the name of the Father and of the Son and of the Holy Spirit."*[3] It has been suggested in answer that this is not a conciliar document proper, that it was only an instruction intended for the teaching of the Armenians on the discipline and liturgy of the Latin Church, and so on. But a closer examination of the question has impelled theologians like Cardinal van Rossum to recognize the doctrinal character of the decree. In consequence the only further way left open is to maintain that since it does not have the form of a definition of faith properly so-called, die doctrinal teaching of the Council of Florence is erroneous.[4]

Other theologians distinguish in the sacraments of the New Law the *signification* which represents its most formal part, and the *sign,* which is composed of matter and form, things and words.[5] Christ Himself instituted all the sacramental signs of the New Law. Where certain of these signs are concerned, He wishes to determine them not only as to their signification but also as to the sign itself; thus, in the case of Baptism. In the case of the other sacramental signs, He determined them as to their signification, leaving to His Church and the jurisdictional power infallibly assisted the faculty of determining in greater detail the matter and form of the sign, according to the needs of time and place. Otherwise we cannot explain how die anointing with chrism has become, in both East and West, the essential rite of the sacrament of Confirmation, and that the form of the sacrament of Penance has been, successively, deprecative and then indicative. The same

1 Dcnz.» 695.

3 Dcnz., 701.

4 P. Galtier, art. "Imposition des Mains", in *Did. de Thiol. Cath.,* cols. 1408-12. Lennerz is more hesitant (op. cit., p. 138, no. 225): Did the Council of Florence wish to give an authoritative teaching, though not necessarily an infallible one? Did it intend simply to sum up the doctrine of the Latin theologians? " What was the true intention of the Council? It is scarcely possible to answer with certitude."

1 " The physical composition of the sacrament may be considered also as comprising the *signi·/italien* which embraces the *whoh,* which is composed of things and of words; so that the two composing extremes are things and words on the one hand and the signification on the other " (John of St. Thomas, III, q. 60, prol. to disp. 22; Vivès ed. vol. ix, p. 2).

holds good in the case of the sacrament of Order; the *signification* has always remained constant, and has always manifested a transmission of the powers of celebrating the cultus, but the *sign* in which it has been expressed has changed in the West, the tradition of the instruments having been substituted for the imposition of hands. This is the explanation which I myself would adopt. It allows us to hold that the Council of Florence was not in error; yet there is nothing to prevent the Church from making valid once more the rite of the imposition of hands. And this was to be done by His Holiness Pope Pius XII in his Apostolic Constitution of 30 November 1947.

3. The Constitution first takes up the discontinuing of the rite of the imposition of hands, but without condemning the second of die explanations just proposed: "It is known to all that the Roman Church has always held as valid the ordinations made in the Greek rite without the tradition of the instruments. More; the Church has desired that even at Rome the Greeks should be ordained according to their own rite. From this it follow's that even in the thought of the Council of Florence, it was not in virtue of a choice of Christ Our Lord that the tradition of the instruments was necessary to the substance and the validity of the sacrament. *If the will and precept of the Church have, for a time, made it necessary to the very validity of ordinations, yet it is still known to all that the Church can change and abrogate what she has established"* (no. 4). A little further on we read "We declare and—in *that case where the legitimate authority would in the past haze arranged matters differently*—we decide that the tradition of the instruments is not, for the future at any rate, necessary to the validity of the Holy Orders of the Diaconate, Presbyterate and Episcopate" (no. 5).

His Holiness then las's down what are to be henceforward the matter and form of Holy Orders: "In virtue of our supreme apostolic authority and after due consideration we declare and where necessary decree and institute what follow's: the *matter,* and only matter, of the Holy Orders of the diaconate, presbyterate and episcopate is the *imposition of hands,* and similarly the sole *form* is the *words which determine the application of this matter* and which signify in a univocal fashion the sacramental effects—that is to say the power of order and the grace of the Holy Spirit, together with the sense w'hich these words possess in the thought and usage of the Church" (no. 4). "For ordination to the *diaconate* the matter is the imposition of the hands of the bishop solely as envisaged in the rite of this ordination. The form consists of the words of the Preface, of which the following are essential and in consequence required for validity: 'Pour down upon him, we pray You, O Lord, the Holy Spirit, that He may fortify him with the seven gifts of Your grace and enable him to acquit himself faithfully in the work of Your ministry For ordination to the priesthood, the matter is the first imposition of the hands of the bishop carried out in silence but not the continuation of this imposition where the right hand is extended nor the last imposition accompanied by the words 'Receive the Holy Spirit; whose sins you shall remit' etc. The form consists of the words of the Preface, of which the following are essential and in consequence required for validity: 'We pray You, almighty Father, give to Your servant here present the dignity of the priesthood; renew in his heart the spirit of sanctity, that he may acquit himself of the charge of the second hierarchical degree which You entrust to him, and that the example of his life may be to the amendment of men's ways'. Finally, for the ordination or consecration of the episcopate, the matter is the imposition of hands made by the consecrating bishop. The form

consists of the words of the Preface, of which the following are essential and in consequence required for validity: "Give to Your priest the fullness of Your ministry, and sanctify by the dew of celestial unction him whom You have decked with the ornaments of the supreme honour" (no. 5).

4. Henceforward as a result of the decision of His Holiness, the difference between the Latin rite and the Oriental rite is abolished. In virtue of this there is a strengthening of the link which unites the dissident Orthodox Church to the Catholic Church.

The form of ordination to the priesthood is thus now "We pray You, almighty Father, give to Your servant here present the dignity of the priesthood; renew in his heart the spirit of sanctity, that he may acquit himself of the charge of the second hierarchical degree which You entrust to him, and that the example of his life may be to the amendment of men's ways". It would appear to approximate to the present Anglican form of ordination. But in his Apostolic Letter of 13 September 1896, after having noted that the imposition of hands is a rite as yet undetermined, employed both for Holy Orders and for Confirmation, Leo XIII added "Up to the present the majority of Anglicans have regarded as the proper form of ordination to the priesthood the words 'Receive the Holy Spirit'. But they arc far from signifying precisely the Order of the priesthood, its grace and the power it confers, that is to say, the power of consecrating and offering the true Body and true Blood of the Lord, by a sacrifice that is something other than a pure commemoration of the sacrifice accomplished on the cross. It is true that there were later added to this formula the words 'For the office and charge of the priesthood'. But this is in itself a proof that the Anglicans themselves considered this form as defective and not satisfactory. And even if this addition could have given to the formula the required signification, it came too late; for a century' had already passed since die adopdon of the Ordinal of Edward, and, since the hierarchy had lapsed, the power to ordain no longer existed."

g. Are the Subdiaconate and the Minor Orders now no more than Sacramentals?

1. What is to be said about the subdiaconate and the Minor Orders? They are evidently of ecclesiastical institution. St. Thomas says that in the primitive Church the powers of the subdiaconate and the Minor Orders "existed as it were enfolded within the powers of the deaconal one *[implicite in una diaconi potestate].* But later, with the development of die divine cultus, the Church divided explicitly into several orders what she possessed implicitly in the diaconate. Hence Peter Lombard's words concerning the Church, who institutes certain orders for herself."[1]

2. Should we regard them as sacraments? St. Thomas is of this opinion: "The distinction of Orders is neither that of an integral whole into its p;irts nor that of a universal whole into its multiple subjects, but that of a whole of potency the nature of which is to exist as to its fullness in one subject only and in other subjects according to some participation. This is so in the case of Order: the fullness of the sacrament exists in the Order of the priesthood only but we find elsewhere a certain participation in Order . . . Thus all the Orders

[1] *IV Sml.* d. 24, q. 2, a. 1, quacst. 2, ad 2.

form one single sacrament."[1] It is true that St. Thomas is here speaking directly of the two Orders of the priesthood and the diaconatc only. But a little further on, comparing the Major and Minor Orders, he declares that "all Order may be called holy because it is a sacrament."[2] This would appear to be the teaching of the Council of Florence which sees in the tradition of die instruments and the appropriate words the matter and form of the presbyterate, the diaconatc and the subdiaconate and other Orders.[3]

The opinion that the subdiaconate and the other Minor Orders arc sacraments was considered by Billuart to be more generally held and more probable.[4] Should we, on the contrary, regard the subdiaconate and Minor Orders as sacramcntals? Cajetan was of this opinion. He concluded, from the diversity[5] of the Minor Orders in the ancient sacramentaries, that " these Orders appear to be sacramcntals rather than sacraments."[5] This opinion is the more widely held today.[6]

3. I shall here adopt the last-mentioned opinion. It seems to me that His Holiness Pope Pius XII has, by giving the primitive rite of the imposition of hands an essential and exclusive rôle in ordination, *ipsofacto* reduced to the rank of simple sacramcntals the subdiaconate and Minor Orders which are given without the imposition of hands.

io. Conclusion

The progress of historical studies allows us to distinguish in greater detail what is of divine law and unchangeable in the action of the Church and what is of ecclesiastical law and changeable.

Many of the Church's forms and reforms can be explained by the varying needs of time and place. But underlying these modifications, greater or less, are the permanent axes of the Church, the stable and divine privileges with which Christ wished to endow her so that she might be the continuator of His priesthood, royalty and sanctity'. Thus, when the Church is in question, the historical explanation, which arises from the varying needs of time and place, is never the ultimate explanation. It must always end by giving place to the ontological explanation, which derives from the structure and divine life of the Body and Bride of Christ, with her power of salvation and conformation to Christ.

1 ibid., quaat. I, ad 2.

1 ibid., quaest. 3.

1 Denz., 701. The Council of Trent made no direct pronouncement: " If anyone shall say that apart from the priesthood there are not other Orders in the Catholic Church, some Major and some Minor, by which the priesthood is approached as by degrees, let him be anathema " (Denz., 962).

4 *De Sacramento Ordinis,* dissert. 1, a. 3, 2; vol. vii, p. 32t.

* *Opuscula,* vol. i, tract. », " De Modo Tradendi seu Suscipiendi Sacros Ordmes ".

• A historical exposé of this problem will be found in Lcnnerz, op. cit., pp. 117-30, nos. 188-209. It envisages the subdiaconate and the Minor Orders as simple sacramcntals. This is my conclusion also, but I would make two reservations: (i) rVccording to St. Thomas these Orders, while they are of ecclesiastical institution, could be sacraments, representing the deployment of the divine powers of the diaconatc: (2) In die past of the Latin Church they have probably been true sacraments.

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Chapter IV

THE POWER OF JURISDICTION, SECOND MINISTERIAL CAUSE OF THE CHURCH

I. THE ORIGIN OF THE JURISDICTIONAL POWER

I. CHRIST HEAD OF THE CHURCH, AT ONCE PRIEST AND KING: HIS CONFERRING OF TWO POWERS ON THE CHURCH, THE ONE SACRAMENTAL, THE OTHER JURISDICTIONAL

I. Jesus Christ was predestined to be, as St. Paul loved to say, the *Head* of the whole Church.[1] This revelation of the Apostle is enough in itself to establish the supreme principle of the distinction between the sacramental and the jurisdictional powers. As the head has its twofold action on the body—an interior motor action (the chief impulsions start from the brain), and an exterior directive action (our steps are regulated by information coming through the senses)—so Christ exerts a twofold action on the members of His Church.

a. On the one hand, by an influence that is hidden and propulsive, He sends mysterious ontological riches into the very depths of souls. This secret and propulsive influence can, as we have noted above, be distinguished into

[1] By the grace of union with a divine Person, Christ is the *Head* of the Church *radically* and *presuppositiwly;* by the habitual grace that results therefrom He is the Head *formally* and *proximately.* He exerts a twofold action on the body of the Church: He vivifies it as *Saviour* and as *Priât,* and He rules it as *King.*

First, from the fact that Christ is God and that the habitual grace that exists in Him is the instrument of the divine omnipotence, it is invested with such eminence, superiority and plenitude, that it can be poured out on all men: somewhat after the manner of heat, which lias its source in a fire and nevertheless passes over in an univocal and homogeneous manner into everything in its reach. To designate this quality of Christ's grace, theologians, borrowing an image from St. Paul, call it capital grace, " gratia capitalis, hoc est influxiva in omnes " (Cajetan, *in III,* q. 8, a. 5, no. 2). This derivation of capital grace is to be understood in two ways: it means that the merit of Christ's Passion is applicable to all men; and it means besides that a wholly spiritual virtue really emanates from Christ to touch all hearts: " Derivatio qua a capite . . . derivatur ad nos omnis gratia est duplex, scilicet meritoria ct instrumentalis physica" (John of St. Thomas, III, q. 8; disp. 10, a. i, no. 21; vol. VIII, p. 255).

Next, from the fact that Christ is God and the source not of grace alone, but also of truth—"Grace and truth came by Jesus Christ" (John, i. 17)—He is not content with *vivifying* the Church from within, He wills also to *direct* it from without, as King. In the Old Law, observes St. Thomas, the legislator and the priest, Moses and Aaron, remained distinct, but in the New Law the two arc united in Jesus " the fountain of all grace, wherefore it is said in Isaias: ' The Lord is our judge, the Lord is our lawgiver, the Lord is our *King;* He will come and *save* us ' " (III, q. 22, a. i, ad 3).

one coming from Christ as Priest, communicating the three sacramental characters, the three sacramental powers; and another coming from Christ as Saviour, communicating the living sap of redemptive grace. Thus used the titles of Priest and Saviour are distinguished. But they can be taken together and opposed to the title of King: Christ is Priest-Saviour and He is King.

b. On the other hand, He proposes from without two sorts of proposition. The first are speculative propositions to be believed: "And forthwith upon the Sabbath days going into the synagogue, he taught them. And they were astonished at his doctrine. For he was teaching them as one having power, and not as the scribes" (Mark i. 21-22); "All things are delivered to me by my Father. And no one knoweth the Son, but the Father: neither doth any know the Father, but the Son and he to whom it shall please the Son to reveal him" (Matt. xi. 27); "Have I been so long a time with you, and you have not known me? Philip, he that seeth me, seeth the Father also. How sayest thou, shew us the Father? Do you not believe that I am in the Father, and the Father in me?" (John xiv. 9-10); "And these shall go into everlasting punishment: but the just into life everlasting" (Matt. xxv. 46); "For this is my blood of the new testament which shall be shed for many unto remission of sins" (Matt. xxvi. 28). The second are practical propositions to be put into execution: "Do penance: for the kingdom of heaven is at hand" (Matt. iii. 2); "Go, sell whatsoever thou hast and give to the poor, and thou shalt have treasure in heaven; and come, follow me" (Mark x. 21); "Whosoever shall look on a woman to lust after her, hath already committed adultery with her in his heart" (Matt. v. 28); "Enter ye in at the narrow gate . . ." (Matt. vii. 13). In both sorts we see the rôle of Christ the King. In virtue of His spiritual kingship.[1] He declares not only what is to be done, but what is to be believed—a thing which, coming from a political power, would be intolerable; and He declares not merely simple and natural things, but baffling and supernatural things: the Trinity, the redemptive Incarnation, the Eucharist, poverty, obedience, chastity: "I confess to thee O Father, Lord of heaven and earth, because thou hast hid these things from the wise and prudent, and hast revealed them to little ones" (Matt. xi. 25). To spiritual kingship, thus understood, prophecy is to be referred. For if the prophet is, as the modems put it, one who announces divine revelations to men, Christ is sovereign Prophet, and His prophetic title is identical with His royal title. But if the prophet is, as the ancients preferred to say, one who, an exile among men, announces things to come or things far off, Christ was Prophet only during the time that led up to His Passion[1] and prophecy is a much more restricted privilege than spiritual kingship.

[1] Three kingships can be distinguished in Christ: one divine, the second spiritual, the third temporal. The second, the only one in which the Church participates, is the only one to be considered here. See below, Excursus III, TA? *Three Kingihips of Christ.* We try to define here the *precise* reason for the kingship of Christ in so far as it is distinct from His priesthood.

[1] cf. St. Thomas, III, q. 7, a. 8.

2. Docs the Church in no way share in this priesthood and this kingship of Christ?

a. In virtue of His redemptive priesthood Christ is the Saviour of mankind. In the days of His mortal life all the graces of salvation, coming from the heart of God, were united in His heart before being shared out, grace by grace, to all men, to strangers of the Gentiles and to those around Him of His own nation. For Christ was to act in two ways: from a distance upon those afar off, and by sensible contact upon those at hand. The normal purpose of His action from afar was to prepare the way for the graces of incorporation, and ultimately to preserve these graces in souls; its exceptional purpose, to supply in a certain measure for their absence. But His action by contact was still more admirable: for thereby He gave to men those graces of incorporation which were to conform them to Himself in the most marvellous, the most intimate way, a way of the utmost perfection; types of these are to be found in the grace given to "the disciple whom Jesus loved" when he reclined on His breast, and the grace of Our Lady touched by the Word made flesh.

Now comes the great question: was all sensible contact with Our Lord broken on the day of the Ascension? Did action by contact, with all the hitherto unknown privileges that it brought into the world, then disappear, leaving only action from a distance?

We have the answer already. When He left the world, Christ, the priest *par excellence,* left behind Him a visible hierarchy endowed with a sacramental power, which is a *ministerial participation* of His sacerdotal power, a hierarchy with which the faithful can have sensible contact and which He uses as an instrument to fill their hearts with sacramental graces from heaven; the perfect Christian graces, that are to form the Church which is His Body.

b. Similarly, in virtue of His kingship Christ is the Doctor, Teacher, and Master of all men. In the days of His mortal life all the graces of light, coming from the Divinity, were united in His intelligence before being scattered among all men to illumine and enlighten them; whether they lived at the ends of the world or close around Him in His own land. For here also He was to act in two ways: He taught as from a distance only those who were far off, and He taught those around Him by sensible contact. The normal purpose of His teaching from a distance was to prepare minds to receive the full and fully explicit revelation, and, ultimately, to bring it back to their minds; its exceptional purpose was to supply in a certain measure for its absence by indicating the road to salvation. But it was through a teaching imparted by contact that the Gospel was announced to men: "For I say to you, many prophets and just men have desired ... to hear the tilings that you hear and have not heard them" (Matt. xiii. 17);" How shall they believe him of whom they have not heard? And how shall they hear without a preacher? And how shall they preach unless they be sent?" (Rom. x. 14-15)·

Once more then comes the great question: was this contact *viva voce,* through living speech, to be cut short at the Ascension? Did Christ, after three years of direct preaching, cease thereafter to teach the truth in any outward manner?

He gave the answer Himself when He sent the Eleven to the ends of the earth, till the end of time, promising to be with them in the work of teaching all that had been revealed to them, and giving them thereby a jurisdictional power of an altogether special nature, since it is a ministerial participation in His royal power.[1]

Thus, whereas the end of the sacramental power is to penetrate into the soul and introduce mysterious ontological riches, the end of the jurisdictional power is to influence the soul by proposing divine truths from without, that is to say by teaching, oral or written.

2. *THE SACRAMENTAL POWER "PURE INSTRUMENT", BUT THE JURISDICTIONAL "SECOND CAUSE"*

I. Jesus is Priest as none other is priest. There is only one redemptive sacrifice: His own. There is but one fountain of grace: His transpierced heart. As far as the sacerdotal and redemptive power is concerned, the power that obtains and dispenses grace, there is not in all the Church any other head, any other ruler, any other source, any other cause, save only Him?

When the time of His visible presence among us was ended, He abandoned no part of this rôle. Nor did He wish to deprive us of His sanctifying contact. He availed Himself of mortal priests through whom He might carry out the acts of the Christian cultus, like an artisan using tools that need constant renewal. But it was He alone, and none other, who, through them, was to bring about the presence among us of the sacrificial intercession of the cross; He alone who, through them, was to baptize and absolve. His sacerdotal and sanctifying action was to pass through them independently of their moral worthiness or unworthiness, and to do so infallibly, for—and this is true above all on the supernatural plane—an instrument does not act by its own proper virtue, but by the virtue of him who uses it. The ministers of the sacraments, their sacerdotal power, and the sacraments themselves, are in fact no more than purely external instruments, mere transmitters of impulsions coming from Christ Himself, which, in souls made ready for them, blossom into graces.

The priesthood of Christ is thus participated in the Church only in a purely instrumental manner.

[1] Protestantism, whose essential method it is to *oppose* when it ought to *subordinate,* cannot help seeing a conflict between the kingly power of Christ and its ministerial participation: " The Roman Catholic dogma of the infallibility of the Pope jeopardises the kingship of Christ in a way that makes it impossible for me to recognize the Church where this dogma is in force " (Karl Barth, *Credo* London 1936, p. 197).

[2] St. Thomas, III, q. 8, a. 6; q. 64, a. 4» ad 3.

2. It is not quite the same with His kingship. We have just said that Jesus is Priest as none other is priest. We must also say that Jesus is King as none other is king. He rules angels and men. God "raised him up from the dead, and set him on his right hand in the heavenly places, above all principality and power, and virtue and dominion, and every name that is named, not only in this world, but also in that which is to come. And he hath subjected all things under his feet, and hath made him head over all the church, which is his body" (Eph. i. 20-23). He said Himself "All power is given to me in heaven and in earth" (Matt, xxviii. 18). At the Transfiguration a voice from the cloud demanded that He should be obeyed: "This is my beloved Son in whom I am well pleased: hear ye him" (Matt. xvii. 5). He has authority to teach infallibly what is to be believed and what is to be done: "I am the light of the world. He that followeth me walkcth not in darkness" (John viii. 12). He reigns by His own virtue and not by delegation; and His kingdom is the Church, not of one country only but of all, not of one age only but of all, not the Church militant only but also the Church suffering and triumphant.

Jesus is the fountain-head of a universal kingship, and He never ceases to exercise it from heaven where He sits at the right hand of the Father. And yet, so that men might not be deprived of the help His living voice had brought them, He has in His mercy left them a visible power, continuing to speak with authority in His name—the power ofjurisdiction. The Father had said: "This is my beloved Son; hear him" (Luke be. 35) ; and Our Lord was to say in His turn: "He that heareth you, heareth me: and he that despiseth you, despiseth me. And he that despiseth me, despiseth him that sent me" (Luke x. 16). His kingship was thus to be participated. But not in quite the same way as His priesthood.

To force open the door of the soul and then to pour grace into it, is possible to none but God ; and creatures therefore can here avail only as instruments in His hand, and for ends beyond their scope. But to propose to minds a speculative or practical message from without, even were this message of divine origin, is a work which seems more connatural to men, and one in which they can have a greater share in the initiative. The interior influx of grace, remarks St. Thomas,[1] cannot be transmitted save by instruments, and, in this matter, Christ alone can be Head of the Church: as God, evidently; and even as Man in this sense, that He possesses in a perfect way all the graces which, as instrument of the divine omnipotence, He communicates to other men. On the contrary, the "exterior government of the Church", the "authority" over the Church, the "pastoral power" over the Church, the dignity of being a "foundation" of the Church—all that can be communicated to others. They too can be called heads of the Church, though not as Christ is called Head. For Christ is Head and Foundation of the Church in an unique way, in His quality as Principle, or, to put it another way, universally and by His own proper virtue; whereas they are

[1] III, q. 8, a. 6; and ad 3.

heads and foundations in a dependent and secondary manner- that *is, not* universally but only of the Church immersed history, or only for some few years like the Pope, or for some small area like the bishops; and this not by their own virtue but in their quality as ambassadors of Christ For Christ therefore we are ambassadors, God as it were exhorting by t (2 Cor. v. 20). To be Head" of the Church, to be "Shepherd", to be "Ruler", belongs primarily to Christ (John x. 11), and then to His Apostles and their successors (Johnxxi. 17; Actsxx. 28; Heb. xiii. 17). To be a "Foundation" of the Church also belongs to Christ (1 Cor. iii. 11) and to His Apostles (Matt xvi. 18; Eph. ii. 20; Apoc. xxi. 14)—but to Christ as having the principal and universal authority, and to the Aposdes as having a secondary and limited authority. These testimonies are perfecdy clear, and no heresy can eliminate them from the Scriptures.

Consequcndy, the depositaries of the jurisdiction act as *second causes* rather than as mere transmitters. They have certain initiatives and certain responsibilities.l The drawback of giving men such a privilege is that in proportion to the importance of their office their natural fallibility' will threaten to invade the government of the Church. Hence, so that the Church

salt of the earth, and not be reabsorbed into the world, it needs the help of a particular providence, a prophetic gift, Christ's assistance: "Go therefore, teach ye all nations ... teaching them to observe all things whatsoever I have commanded you. And *behold I am with you all days, even to the consummation of the world"* (Matt, xxxiii. ig-20).

Christ is the Head, the Ruler, the Foundation of the Church as Priest-Saviour and as King. As Priest-Saviour He is so to the exclusion of all others, and men are never in this respect anything but instruments, mere transmitters. As King, He is so in participation with others whom in His love He makes His associates. But in Him the tide is primary, universal, permanent; in the others it is derived, restricted and temporary.

II. DIVISION INTO EXTRAORDINARY OR EXCEPTIONAL JURISDICTION AND PERMANENT OR REGULAR JURISDICTION

The spiritual kingship in which Our Lord has called His Apostles and their successors to a share, may be called apostolic authority, pastoral power, or power of jurisdiction. In the very first days of the Church it took on, simultaneously, two forms—the one extraordinary, temporary, the other ordinary and permanent. Why was this?

i. THE REASON FOR THIS DIVISION

1. Christ, who delivered Himself up for His Church, willed to found her with His own hands. Just as He had Himself directly given her the sacraments that brought her life, so He Himself direcdy set up the fundamental and enduring constitution according to which she would have to rule souls by His authority and lead souls towards Him. There we have the permanent power of jurisdiction.

But this Church whose essential parts are the direct work of Christ, had to be launched on the world, to be given a first impulsion, a first momentum, which was to carry her down the ages. Jesus willed that this impulsion should come from the Church herself, to her from her first leaders.

The man of genius who founds a science, an art, or a civilisation, imparts to Iris work an impetus that often carries it on for centuries. Christ did not do less for His Church. Those who first had to introduce her to the nations were animated by a spirit strong enough to impart to her the rhythm and orientation she was to retain through the ages. No one can be without wonder at the spell cast over men's minds by a St. John or a St. Paul. The greatest intelligences have been nourished on them: an Augustine in the days of the Empire, a Thomas Aquinas in the Middle Ages. To-day they shine as brightly as ever, and their minds will shape Christendoms to come. We must recognize that in this sense they were associated with Our Lord in the work of founding His Church. There we have the origin of the extraordinary power ofjurisdiction.

2. This distinction between the extraordinary and the permanent jurisdiction is attested by a double fact. On the one hand it seems absolutely certain that the Apostles had privileged powers w'hich were to cease with them: the power, for instance, of communicating new revelations or of writing inspired books. On the other hand it seems absolutely certain that the Aposdes were the first depositaries of a power to teach the nations, a power that was to pass to their successors and to be perpetuated till the end of time.1 Consequently, there are two ways in which the Church is said

1 cf. L. Billot, S.J., *De Ecclesia Christi,* Rome 1921, vol. I, q. 13, th. 26, p. 546.

to be apostolic: first because the Apostles, in virtue of their extraordinary powers, founded her and gave her the first impulsion, the first orientation; and next because the Apostles bequeathed her their ordinary powers.

But we can restrict the meaning of the word "apostolate" taken substantively[1] so as to make it signify exclusively[1] the extraordinary jurisdictional powers which the Apostles held as founders of the Church.[2] From this standpoint, which I adopt here for brevity's sake, "the apostolate" will mean the extraordinary[1] jurisdiction alone. As opposed to that, the permanent jurisdiction could be called "the pontificate" or "pastorate".[3] It comprises two degrees: the sovereign pontificate or Papacy, and the dependent pontificate or episcopate.

The apostolate and the pontificate are therefore distinct in the first place as having different *ends,* the first being needed for the foundation and the second for the preservation of the Church. They are further distinguished, as we can foresee, by the different form taken by[1] the assistance, the divine aid, that Our Lord promised His envoys in the world.

2. *THE TWO JURISDICTIONS UNITED IN THE APOSTLES*

I. The pontificate, which is permanent, and the apostolate, which is temporary, were, for a time, united in the same persons. Both, as we shall sec, were directly conferred by Jesus on His Disciples.

To Peter, Jesus gave the supreme pontificate, the supreme pastorate, over all the sheep of the fold. From Peter, in whom it resided in its highest form, it would have been normal for the pontificate to descend into the body of the Church in a derived form, that of the episcopate. But God, anticipating on the operation of His own laws, can produce immediately what, in the regular course of things, would come about as a normal consequence; for instance He might create a tree already laden with fruit. So it was that Christ acted with the Apostles. He conferred on the Aposdes the episcopal power of jurisdiction which, normally, should descend to them from Peter w'hose sheep they were. He conferred the apostolate on the Twelve directly, and not through Peter. "And it came to pass in those days that he went out into a mountain to pray, and he passed the whole night in the prayer of God. And when day was come, he called unto him his disciples; and he chose twelve of them whom also he named Apostles" (Luke vi. 12-13). Now this aposto-

1 The adjective "apostolic" retains a more extended sense.

1 cf. Cajctan, in the opusculum he wrote on the 12th October 1511, on the eve of the Reformation: "Apostoli inter sc possunt comparari dupliciter. Primo inquantum *aposioli,* et sic omnes fuerunt aequales. Alio modo inquantum *ozes Christi,* ab eo hic corporali conversatione separatae, et sic Petrus solus est pastor, et reliqui apostoli oves sub illius cura" *(De Comparatione Auctoritatis Papae et Concilii,* cd. Pollet, Rome 1936, cap. iii, no. 23). So also John of St. Thomas: "Apostolis esse datam parem auctoritatem quasi extraordinariam et delegatam in ratione *apostolatus,* non tamen aequalem in ratione *ordinariae potestatis* ad gubernandam Ecclesiam" *(In II-II,* q. 1 to 7; disp, x, a. 3, no. 22; vol. VII, p. 187).

3 In the large sense the pastoral power comprises the apostolate and the pontificate. In the restricted sense it signifies the pontificate only.

late would necessarily carry with it, as soon to be exercised, both the episcopal power of jurisdiction and the episcopal power of order.

Thus, then, Jesus gave directly to Peter the supreme pontificate or Papacy, and to the other Apostles the dependent pontificate or episcopate. Furthermore, He gave directly to the Twelve the privilege of the apostolate. In the first days of the Church, on the morrow of Pentecost, the permanent jurisdiction existed therefore whole and entire; but it was hidden as it were within the extraordinary jurisdiction; somewhat as a flower, already preformed, remains protected and hidden for a time in the enveloping folds of its calyx.

All the Twelve had the apostolate—their untransmissible privilege. Peter had the Papacy besides, and the otheis the episcopate—their transmissible dignity.1 St. John, St. James and St. Paul, for example, considered as Apostles—that is, as having power over the universal Church for its foundation—could not have successors, for the Church could not be founded twice. But considered as bishops, that is as simply possessing the plenitude of the power of order, and, in dependence on Peter, jurisdiction over a particular portion of the Church, they *could* have successors. Should these successors separate themselves from Peter they might indeed, by sacramental transmission, retain the fullness of the power of order. But they would at once lose the sole jurisdiction the Apostles could communicate—that is to say a jurisdiction to be exercised in dependence on that of Peter—and in this respect it would be of little use to them to occupy a see once founded by the Apostles, or to be, in virtue of mere historical continuity, the Apostles' successors.

2. No one who grasps this distinction between extraordinary and permanent jurisdiction wall have any difficulty in reconciling various passages of Scripture which might otherwise seem contradictory.

For example, Scripture represents the mission of the Apostles as extraordinary and temporary, but also as permanent and enduring. It was extraordinary' because (a) the Apostles could speak, and had to speak, as ocular witnesses to the life and Resurrection of Christ: "Wherefore," said St. Peter, before the election of Matthias, "of these men who have companied with us all the time that the Lord Jesus came in and went out among us, beginning from the baptism of John until the day wherein he was taken up from us, one of these must be made a witness with us of his resurrection" (Acts i. 21-22): it is as "eyewitnesses of his greatness" that Peter and the Apostles made known the power and coming of Our Lord, who "received from God the Father honour and glory', this voice coming down to him from the excellent glory: *This is my beloved Son in whom* ***I*** *am well pleased.* And this voice we heard brought from heaven when we were with him in the

'John XXII, on October 23rd, 1327, condemned the proposition of Marsilius of Padua and of John of Janduno, affirming the equality of all the Apostles, Peter included: " The Blessed Apostle Peter had no more authority than the other Apostles, and was not their head. Christ left no head for His Church and chose no one for His Vicar " (Denz. 496).

holy mount" (2 Pet. i. 17-18).[1] And St. John was to write: "That which was from the beginning, which we have heard, which we have seen with our eyes, which we have looked upon, and our hands have handled, of the word of life ... We do bear witness and declare unto you" (1 John i. 1-2). Again their mission was extraordinary because (A) in Scripture the Twelve are called, along with Christ, the foundations of the Church: "You are . . . built upon the foundation of the Apostles and prophets, Jesus Christ liimself being the chief comer stone" (Eph. ii. 20); "And the wall of the city had twelve foundations, and in them the twelve names of the twelve apostles of the Lamb" (Apoc. xxi. 14). .And yet the mission of the Apostles was permanent since they had lasting tasks to perform. This is equally true of the Aposdes taken collectively—"Going therefore, teach ye all nations . . . And behold I am with you all days, even to the consummation of the worjd" (Matt, xxviii. 19-20)—as it is of Peter, chosen from amongst them all to feed Christ's sheep visibly (John xxi. 17). Once you admit the two-fold jurisdiction of the Aposdes everything becomes clear.

Take another example. Scripture represents Peter at once as the superior and as the equal of the other Apostles. Superior, since he had to feed all the sheep of the flock; equal, since Paul at Antioch withstood him to his face (Gal. ii. 11). The foregoing distinction removes the difficulty. Peter was superior to the other Apostles on the plane of the permanent jurisdiction, of the pontificate; he was equal to the other Apostles on the plane of extraordinary jurisdiction, of the apostolatc. St. Thomas Aquinas noted the point with his usual penetration: since it was in public that Paul resisted Peter it was not a case of mere fraternal correction, which can be administered by an inferior to his superior but calls for privacy, and "he would not have done it if he had not been in some respect his equal in the defence of the faith ['nisi aliquo modo par esset quantum ad fidei defensionem']"[3]. Let us moreover note here that if the Twelve were equal as regards the apostolate that would not prevent one of them from having some prerogative peculiar to himself. St. Augustine points out, for example, that Paul received the apostolatc from Christ risen and glorified, but the other Apostles from Christ in His mortal flesh;[3] and to signify that, says St. Thomas, Paul is pictured on papal bulls to the right and Peter to the left?

III. THE EXTRAORDINARY JURISDICTION OR APOSTOLATE

The Apostles arc the basis, the foundation of the Church, first in the sense that they had received from Christ, by whom they had been chosen, the

[1] Even supposing that this second Epistle is not by St. Peter (on diis cf. J. Chaîne, Zzs *Épüre* calhoh^s, Paris 1939), the text would still show how the inspired author thought of the Apostles.

*St. Thomas, 11-11, q. 33, a. 4, ad. 2.

* *Rftrccl.,* lib. I, cap. xxiv, 1.

' Connnmf. *cd Galaltu,* cap. i, lect. 1.

privilege of endowing her with those means of salvation that she would have to employ thenceforth for all time. Here, then, wc shall have to deal with their extraordinary jurisdiction, with the spiritual powers of the apostolate. But the Apostles are foundations of the Church in this still more mysterious sense—that they were gifted by God with a zeal so intense and so infectious that its effects would be felt in the hearts of the faithful down to the end of time, and would put its stamp on all the charity of the Church: and so we shall have to discuss, however briefly, the sanctity of the Aposdes.

/. *THE SPIRITUAL POWERS OF THE APOSTOLATE*

The apostolatc carried with it the promulgation of certain sacraments, an exceptional prophetic knowledge of the revelation, an extraordinary power to found particular Churches, and finally the gift of miracles.

A. Promulgation of Certain Sacraments

The sacraments are the instruments of grace, and the Author of grace alone has the final power to institute them. It is therefore as God that Christ has this radical and incommunicable power over them which St. Thomas calls "potestas auctoritatis". But even as Man He has a derivative power to institute the sacraments and to found the Church, "potestas excellentiae".1 He did not communicate it, even to the Apostles; He alone exerted it, instituting all the sacraments Himself.2 The Apostles were sent, not so that each on his own initiative should found a Church according to his own ideas—many different schemes in fact were possible—but simply and solely to complete and spread abroad the Church of their Master.

Christ not only kept the institution of the sacraments in His own hands, but Himself promulgated those of them that presented the chief difficulties for faith : Baptism, the Eucharist, Holy Orders, Penance. He even announced them in advance, insisting for example with Nicodemus that Baptism would be a new birth, and with the Jews of Capharnaum that His Flesh would be true meat and His Blood true drink.

However, Christ left it to the Apostles to promulgate, thatis. authoritatively to notify and make obligatory the other sacraments. Thus Confirmation is only fully made known to us by the Acts of the Apostles (viii. 17 and xix. 6) ; Extreme Unction by the Epistle of St. James (v. 14); and the dignity of Matrimony by that of St. Paul to the Ephesians (v. 21).3

1 HI, q. 64, a. 4.

1 Dcnz. 844, 996, 2088. Christ instituted the chief sacraments, such as Baptism and the Eucharist, in detail, " in individuo He could deal with the rest in a more general way, leaving the Church a certain latitude for the more concrete determination, even modification in the course of time, of such particulars as their matter and their form and so forth.

' St. Thomas, III, q. 64, a. 1, 2, 3; *Suppl.,* q. 29, a. 3. The Council of Trent defines that the sacrament of Extreme Unction was " promulgated by the Apostle St. James " (Dcnz. 926), and that, as St. Paul indicates, Christ merited by His passion the grace that sanctifies spouses (Denz. 96g).

B. Exceptional Prophetic Knowledge of the Substance of Revelation

I, THE APOSTLES' KNOWLEDGE GREATER THAN THAT OF PRECEDING AGES

The Apostles, who had to institute no other sacraments than those instituted by Christ, had to preach no other faith than that which Christ brought into the world; a faith moreover that was not meant to destroy but to fulfil the revelations made long before to the people of God. But the Apostles penetrated further into the faith that Jesus announced than the ancient patriarchs and prophets had been able to do. "You may understand," wrote St. Paul to the Ephesians, "my knowledge in the mystery of Christ, which in other generations was not known to the sons of men, as it is now revealed to his holy apostles and prophets in the Spirit . . . To me, the least of all the saints, is given this grace, to preach among the Gentiles the unsearchable riches of Christ: and to enlighten all men, that they may see what is the dispensation of the mystery' which hath been hidden from eternity in God who created all things" (iii. 4 and 8). That is why the Apostles were charged to reveal new truths which, far from being in any conflict with the ancient faith, would explain and deepen it.[1]

2. THE APOSTLES' KNOWLEDGE SUPERIOR TO THAT OF THE CHURCH, PRESENT AND FUTURE

I. But is this knowledge of the Apostles, surpassing that of all the generations of the past, to be offered to anyone in the future? No. Theologians explain that the Apostles knew' the economy of the law of grace as masters who would have to teach all ages, and that their knowledge would never be surpassed or even equalled. For save in the order of material causation (where the contrary is true), the principles of things are superior to the things themselves. Abraham, for example, who received the Promise, well understood the Promise; Moses, who received the Law, well understood the Law; and the Apostles, who received the mystery of Christ, well understood the mystery of Christ. There is an illusion that appeared first in the second century with the Montanists, and reappears periodically in history', which consists in crediting others living after the Apostles with the full and definitive manifestation of the Spirit promised by' Jesus. The Abbot Joachim, who was a Cistercian, thought St. Benedict had it, and Brother Peter John, who was a Franciscan, thought St. Francis had it. The Reformation had other prophets, and modernism also has its own, who proclaim, for instance, that the Christian faith should shake itself free from every sacramental rite and every dogmatic

1 " Licet prophetis éa quae Deus facturus erat dica salutem humani generis, in generali relevaverit, quaedam tamen specialia apostoli, circa hoc, cognoverunt, quae prophetae non cognoverant " (St. Thomas, I, q. 57, a. 5, ad 3). " Quaedam explicite cognita sunt a posterioribus, quae a prioribus non cognoscebantur explicite " (II–II, q. I, a. 7).

formula. The temptation is always and everywhere the same, except that to-day there seems to be a growing number of prophets who each attempt to illustrate out of the Gospel the "message" which it is "his mission" to preach to the world.[1] But, said St. Thomas, all these are vanities.[2] For Christ chose His own Apostles Himself, once and for all. "Then he opened their understanding, that they might understand the scriptures" (Luke xxiv. 45). "I will not now call you servants: for the servant knoweth not what his lord doth. *But I have called you friends: because all things whatsoever I have heard of my Father, I have made known to you*" (John xv. 15). He said to them also: "I have yet many things to say to you: but you cannot bear them now. *But when he, the Spirit of truth is come, he will teach you all truth.* For he shall not speak of himself; but what things soever he shall hear, he shall speak: and the tilings that are to come he shall show you" (xvi. 12-13)? Then, before the Ascension: "But you shall be baptized with the Holy Ghost not many days hence" (Acts i. 5). Ten days after the Ascension, while they were in the cenacle, the Holy Spirit came upon them, as He has never since come upon anyone.

They were then shown the future—think of what is said in the Apocalypse about the destinies of the Church, in the Epistle to the Romans about the destiny of the Jews. For the most part, however, this did not touch the details of contingent events. Those to whom Jesus had said "Go, teach all nations" could not indeed be unaware that the Gospel was to be proclaimed to the Gentiles, or that after Christ's death the legal observances were virtually superseded; yet we see Peter hesitate for a moment to receive the first pagans into the Church, or publicly to repudiate the Mosaic observances.

1 cf. " Le ' messianisme ' de Mickicwicz", in *Éxigaiaschrétiennesenpolitiyu,* Paris 1945, pp. 76 ct seq.

2 I–II, q. 106, a. 4, ad 2.

3Jesus had also said: " But the Paraclete, the Holy Ghost, whom the Father will send in my name, he will teach you all things, and bring all tilings to your mind, whatsoever I shall have said to you " (John xiv. 26). This text, like those just cited, can be understood in two ways: either (1) as we understand it here, of a teaching of the Spirit communicated to the Apostles as depositaries of the *extraordinary* jurisdiction—the Spirit will teach them truths which, without new revelations, could not be gathered from the revelation already made by Jesus: or (2) of a teaching of the Spirit communicated to the Apostles as depositaries of the *permanent* jurisdiction. The Holy Spirit will not then bring new revelations, but infallible assistance in proposing and unfolding, through all future ages, the deposit of Christian revelation which had been integrally entrusted (Dm2. 1836) to the Apostles. On these two possible interpretations, see for instance M.-J. IJigrange, O.P., *Écangile selon Saint Jtan,* Paris 1925, pp. 392, 420, 421. The Gospel text seems to me to authorize both interpretations at once, the second not being alien to the first but subordinated to, and in line with it. The assistance of the Holy Spirit to manifest a new revelation entails the assistance of the Holy Spirit to preserve it. And, indeed, this same Spirit was to be with the Apostles " for ever " (John xiv. 16), which seems to indicate, Lagrange observes, that He will assist " the collectivity of the disciples". He is given to the Apostles inasmuch as they had to preach to all nations till the end of the world (Matt, xxviii. 19-20). It would be possible to cite ocher texts bearing several literal meanings subordinated to each other: thus the power of binding and loosing given to Peter and the other Apostles covers several distinct powers linked together in dependence. St. Thomas formulated the principle: "Since the literal sense is that which the author intends, and since the Author of Holy Writ is God, who by one act comprehends all dungs by His intellect, it is not unfitting (as Augustincsays) if, even according to the literal sense, one word in Holy Writ should have several interpretations *" (I, q. i, a. to).

They could not be ignorant that Christ would keep His Church in being "till the consummation of the world but they knew "neither the times nor the moments which the Father hath put in his own power"—this date not being included amongst the things which the Son of Man could properly announce to the world.1 But the Spirit showed them fully all that concerned the *substante* of the mysteries of faith.2 They must therefore have known the divine revelation not, as we do, through a multitude of human concepts, but by a divine prophetic light, capable of setting all the truths it contains before their minds at once: an intuitive knowledge, richer and more explicit than that to be enjoyed during the whole life of the future Church.3

2. It was because, like St. Augustine and St. Thomas, they wanted to give their full meaning to the scriptural texts describing the grace of Pentecost, and because they judged with St. Thomas that those who st nearer to Christ had the deeper knowledge of the mysteries of the faith,4 that the classical theologians affirm that the Apostles were privileged to embrace in one clear and distinct act of faith all that the Church would ever learn through the progress of dogma. This docs not mean that the Apostles carried in their minds an express and automatically elaborated formulation of all the dogmas to be proposed in succeeding centuries, and that they "kept back" this knowledge from their contemporaries: our higher theology

1 If the Son declares to the Apostles that He knows not the day or hour of the end of the world (Mark xiii. 32), it means that He has no mission to reveal it to them (Acts i. 7). The text of the Acts throws light on that of the Gospel, as Bossuet has well showm in *Meditations sur ΓÉvangile* (the Saviour's last week, 78th day).

3 " Docuit autem Spiritus sanctus apostolos omnem *ttrilaiem* de his quae pertinent ad necessitatem salutis, sdlicct de credendis et agendis. Non tamen docuit eos de omnibus futuris *eventibus;* hoc enim ad eos non pertinebat " (St. Thomas, **I-II**, q. 106, a. 4. ad 2).

1 **"In** their capacity as supreme masters of the plenary and definitive revelation, and foundations of the Church for ever, the Apostles, according to the traditional theology, had the special privilege of receiving, by way of an infused light, an *explicit* knowledge of divine revelation, a knowledge superior to that enjoyed or to be enjoyed by ah theologians, and indeed the entire Church, till the consummation of the world. All the dogmas which the Church has defined, or will define in the future, were therefore found in the minds of the Apostles, not merely in a mediate, virtual or implicit manner, but immediately, formally, explicitly. Their knowledge of the revealed deposit was not due, like ours, to partial and *human* concepts containing implicitly or virtually a much wider meaning than they express, and requiring time and labour for the gradual unfolding and explanation of their content. It came from a divine or infused light, a simple supernatural act of understanding actualizing and illuminating at one sole moment the whole virtuality of the revealed idea" (F. Marin-Sola, O.P., *L'faolutwn homogène du dogme catholique,* 1924, vol. I, p. 57). Here are the chief theses of John of St. Thomas on this subject, with indications of their degree of certitude: (1) it is of faith, on account of Ephesians iii. 4. that the Apostles, doctors of the law of grace and our masters, understood the mysteries of the faith much more perfectly than the prophets and the patriarchs; (2) it is absolutely certain—the contrary, in the common view, would be an " error concerning the faith—that the Church of to-day believes nothing that was not clearly and distinctly revealed to the Apostles before their death; (3) it is probable, and this is the express thought of St. Thomas, that on the day of Pentecost the Apostles knew, with speculative knowledge, all the truths of salvation to be believed and observed, so that from that moment on nothing new was rescaled to them; (4) if the Apostles had, from the day of Pentecost onward, a perfect speculative knowledge of the mysteries of the faith, that does not imply that henceforth they had full practical knowledge (**Π-Π**, q. I ; disp. 6, a. 2: voL **VII**, p. 120 seqq.).

• II-II, q. I, a. 7, ad 4.

hardly inclines us to such strangely mechanical explanations? It means that the Apostles held the whole revealed deposit under the eye of their faith in the super-eminent richness of a global conceptual presentation, received by them in an infused way which they could not possibly transmit to those around them, and which accordingly they had to translate for the benefit of the faithful by a living and progressive effort of conceptualisation and formulation; conditioned, for the rest, by all sorts of historical circumstances.[2] This is the sense in which we can say that the starting-point of dogmatic progress lay not in the knowledge of the Apostles themselves but in that of the primitive Church; that it consists "in the written and oral formulas of the Apostles, by giving these formulas not precisely the meaning which the supcrnaturally enlightened understanding of the Apostles would see there explicitly, but the meaning which these formulas express of themselves, understood in the sense of the primitive Church."[3]

3. The doctrine that the Apostles had a perfect knowledge of the revelation was one of the first that the Apologists had to defend. To the Gnostics, who were already accusing the Apostles of "mixing legalist ideas with the words of the Saviour", St. Irenaeus, towards the end of the second century, replied that "it is not allowable to say that the Apostles preached before possessing perfect knowledge [of the economy of salvation] as some have dared to say, who boast of correcting them. For when Our Lord was risen from the dead, when they were invested with the power of the Holy Spirit coming from on high, they were filled with all gifts and received the perfection of knowledge; and it was then that they went forth to the ends of the earth spreading the good news of all that God had done for us, and announcing heavenly peace to men. For each and all of them equally possessed the Gospel of God."[1] Hence they were able to deposit, "like a rich man in a bank", the fullness of truth in the Church? Some years later Tertullian

[1] The doctrine that credits the Apostles with a thus explicit knowledge of die whole of the revealed deposit is regarded as extravagant by M. R. Draguet in his article "L'évolution des dogmes", *Encyclofddie Apologétique,* Paris 1937, pp. 1179 and 1190. The author of the article does not think it possible that the Apostles should not have proclaimed all that they knew explicitly. However, that very thing was true of Christ, their Master. He appeals to Irenaeus and Tertullian. They, however, say that the Apostles had a perfect knowledge of revelation, that they knew *all,* and were ignorant of *nothing,* in Christ's doctrine.

[2] On 2 Cor. xii. 4: "And I know such a man ... that he was caught up into paradise, and heard secret words, which it is not granted to man to utter", Pcrc Allo writes: "It means, not that he is forbidden, like the adepts of pagan initiations, to speak of it with uninitiated people such as the Corinthians, but that it was impossible fur any human language or any human concepts to express such mysteries, that such expression is not "permitted" him by the exigencies of thought and language in this present life" *(Seconde /pitre aux Corinthiens,* Paris i937i P· 3°®)· See also on Apocalypse x. 4: "Seal up the things which the seven thunders have spoken, and write them not", the same author notes: "John received a command from above to keep back, locked up in his memory, the supernatural revelations he had received but in such a way that he could neither recall nor express them in any satisfying manner. One thinks at once of those unutterable words that Paul heard in his rapture. This powerlessness may itself be felt as a divine command by the prophet" *(Apocalypse,* Paris 1933, p. 140)·

[3] F. Marin-Sola, O.P., op. cit., vol. I, p. 60.

[4] *Contra Harreses,* lib. III, cap. i, no. 1; P.G. vol. VII, col. 844-

[4] ibid., cap. iv, no. 1; col. 855.

attacked the same doctrine among the African Gnostics, who taught that the Apostles had not known everything: "What sane man will believe that they were ignorant of anything, these whom Christ had set up as masters, who were His companions, His disciples, His intimates, to whom He privately explained all difficulties, saying that it was given to them to know things hidden from others . . .? True, He said: *I have jet many things to say to you, but you cannot bear them now;* but He added: *When the Spirit of truth is come, He will lead you into all truth.* And He kept His promise, since the Acts of the Apostles attest the descent of the Holy Spirit."[1] It is true, Tertullian goes on, that it would be no less folly to agree first that the Apostles were ignorant of nothing, and preached nothing that could set them at odds with each other, and to add next that "they did not reveal all they knew to all, but proclaimed some things in public for all, and entrusted others in secret to a few".[1] But if Tertullian declares that the Aposdes revealed all they knew to everybody, it was clearly to rebut the notion of an esoteric doctrine contradicting the common doctrine of the Church, and not to deny that they had a deeper and more explicit knowledge than the faithful of the mysteries they taught them.

3. PROPHETIC KNOWLEDGE NOT EXTINCT IN THE CHURCH

The Aposdes' knowledge of the divine revelation will never be equalled. Yet there will always be prophetic knowledge in the Church. It will continue to exist, but under subordinate forms.

a. The highest and purest of these prophetic lights will be that which the Church, assisted by God, needs in order to grasp, to keep intact, and to explain the meaning of revealed truth which is to be received in obedience and faith. "The privilege of inerrancy or of infallibility guaranteed to the magisterium of the Church cannot be understood in a purely negative or passive sense which would represent God as only intervening just in time to prevent a mishap. The magisterium of the Church proceeds by positive judgments which imply a profound intelligence, an unlimited discernment. Taken simply in themselves, the formulae in which the Church sets the diamond of dogma are wonderful works. How much more precious is the judgment which they contain! This is the lofty form of prophecy which makes the Church a contemplative of the highest order."[3] Thus are communicated to us in the course of ages the authentic conceptual data of the

[1] *Dt Praeicriptione,* xxii. 2, 3, 8. To establish the ignorance of the Apostles the heretics naturally brought forward the conflict of Antioch, where Peter was rebuked by Paul (Gal. ii. 11). Tertullian answers first that Paul himself preached no other Gospel titan did the other Apostles, and next that Peter erred in practical conduct, not in doctrine; the Apostles " criticised as unsuitable for certain limes, persons and circumstances, various practices which they aliensed themselves with due regard to times, persons and circumstances". It is as if Peter should criticise Paul for having circumcised Timothy in spite of his own prohibition of circumcision (ibid., xxiv. 3).

[2] ibid., XXV. 1; xxvii. 1.

[3] H. Clérissac, O.P., *Lt myfthe de PÉglûe,* Paris 1918: English translation, *The Myitery of the Church,* London 1937, p. 69. The Church is already contemplative inasmuch as she infallibly proclaims the intellectual meaning of the divine message. But she is contemplative in a still more noble way when she cleaves by a lively faith and the gift of wisdom to the deep content of this message. In the first case we have a prophetic grace; in the second a sanctifying grace.

Christian faith. "For our faith rests upon the revelation made to the Apostles and the prophets who wrote the canonical books, but not on revelations eventually made to other Doctors."[1]

b. The Church not only knows the revealed deposit; she is also enlightened on the state of the world and the movement of minds. The most richly endowed of her children share her miraculous penetration. The divine light enables them to discern the fundamental tendencies of their times; they know how to diagnose the real evils, and prescribe the proper remedies. When the masses seem to be struck blind, and even the better sort hesitate or fumble, they go straight to the point with supernatural instinct. Time merely shows how just their vision was. St. Athanasius or St. Cyril, St. Augustine or St. Benedict, Gregory VII, Francis of Assisi, Dominic—these saw, as with prophetical insight, the tendency of their times and the orientation that had to be given to souls. The author of the *City of God,* the contemplative who eight hundred years ago founded the rule of the Carthusians, St. Thomas who three centuries before the Reformation elucidated the truths that were to be most vigorously contested on the threshold of the new era, Joan of Arc, Teresa of Avila—there you have the true prophets of the Church. They were also saints, though prophecy is distinct, even perhaps separable, from sanctity. But it always occurs, when authentic, in the wake of the apostolic revelation; and as the power of the master sustains and guides the effort of the disciples, authentic prophecies are sustained and guided by the revelation of Christ and His Apostles. "No epoch," says St. Thomas, "has lacked men endowed with the spirit of prophecy, not indeed to introduce some new doctrine of the faith *[ad novam doclrinam fidei depromendam],* but to direct human acts *[ad humanorum actuum directionem]."*[2] Those prophets who deviate from this course arc false prophets.[3]

[1] St. Thomas, I, q. i, a. 8, ad 2. "Super revelatione facta apostolis de fide Unitatis et Trinitatis, fundatur tota fides Ecclesiae" (II-II, q. 174, a. 6). Those Doctors who work at bringing into clearer light the riches contained in the revealed deposit might well have to be aided by special illuminations. In connection with the conversion narrative which opens the *De Trinitate* of St. Hilary, E. Mersch writes: " . . . We shall see that . . . Providence seems more than once to have made use of visions and inner experiences, not indeed to teach men any new doctrine concerning the life of Christ in the soul but in order to aid them in understanding what the scriptures have said upon this subject" *(The Whole Christ,* p. 291).

[1] "The ancient prophets," writes St. Thomas, "were sent to establish the faith and to amend morals . . . To-day the faith is already established, since the promises have been fulfilled in Christ. But prophecy' that aims at amendment of morals has not ceased, nor will it ever cease" *(Comm. in λfall.,* cap. xi). He explains elsewhere that the prophecies that dealt with the deposit of divine*faith* were varied by becoming more explicit with the passage of time, while those dealing with human *conduit* had to be varied according to circumstances, for the people began to go astray when prophecy ceased: "And that is w'hy in every age men have been divinely instructed about what should be done, as the salvation of the elect might require" (II-II, q. 174, a. 6). The passage quoted in our text refers to St. Matthew xi. 13: "For all the prophets and the law prophesied until John." On which St. Thomas writes: "The line of prophets who predicted the coming of Christ could go no further than John who pointed to Christ Himself with his finger. But, as St. Jerome notes, these words do not mean that after John the Baptist there would be no more prophets, since we read in the Acts of the Apostles that Agabus and the four daughters of Philip prophesied. St. John the Evangelist even wrote a prophetic book on the end of the Church. And no times have lacked those endowed with the spirit of prophecy, not indeed to introduce any new doctrine *offaith,* but to direct

4. THE WORD OF GOD M.ŸDE KNOWN IN TWO WAYS: BY PURE PROPHECY AND BY TEACHING

Christian truth, the word of God, conies to man in two ways: by that of pure prophecy, of interior light, as God spoke to the prophets of old and to the Apostles: "The Spirit of truth will teach you all truth . . . and the things that are to come he shall show you" (John xvi. 13); and by that of teaching or witness: "You shall be witnesses unto me in Jerusalem and in all Judaea and Samaria and even to the uttermost parts of the earth" (Acts i. 8); "Going therefore teach all nations" (Matt, xxviii. 19); "He that heareth you, heareth me" (Luke x. 16)?

men's *conduct*" (ibid., ad 3). To these prophecies of general utility* we must add those with some particular aim such as the enlightenment of an individual soul. The Thomist theologians remain faithful to these indications of St. Thomas. Summing up the doctrine of the Salman licenses on the point Père Congar writes: " The private revelations that God grants in the Church do not bear on speculative truths not already contained in the common revelation made to the Prophets and Apostles; they concern practice, understood however in a very broad sense, into which would enter not only the decisions to be taken or answers to be given, or again the line of conduct to be followed in religious foundations, but the right ordering of worship and the soul's attitude towards God. This conviction that the *rczclaticnu quae mods in Ecclesia fiunt* are of a practical character and introduce no new *aedtrds* is characteristic of the Thomists in this matter. For them, the revelation of die mystery of God is closed: God intervenes indeed in the life of souls, but it is either to direct their individual or social action or to make them penetrate His mysteries in the way that best favours the life of Charity" (" La crédibilité des révélations privées ", in lîr *spirituelle,* 1st October, 1937, (34]). Suarez on the contrary enters on a path that would lead one to admit that private revelations can provide theology not only with " probable " dan, but even with " certain " principles (ibi<i. [40]).

1 At the end of hit *Justification of the Good* (trans. Duddington, London 1918), p. 468, V. Soloviev writes: " In the old Israel there had existed [besides the High Priest and the King] a third supreme calling, that of the Prophet. .Abolished by Christianity in theory, it practically disappeared from the stage of history* and came forward in exceptional cases only, for the most part in a distorted form. Hence all the anomalies of mediaeval and modern history. The restoration of the prophetic calling does not rest with the will of man, but a reminder of its purely moral significance is very opportune in our day . . . The true Prophet is a social worker who is absolutely independent, and neither fears, nor submits to. anything external. Side by side with the representatives of absolute authority and absolute power, there must be in human society' representatives of absolute freedom . . . The man who lias complete freedom, both external and inward, is one who is not inwardly bound by anything external, and in the last resort knows of no other standard of judgment and conduct than the good will and the pure conscience . . . These three services can be best distinguished by the fact that the office of the Priest derives its main force from pious devotion to the true traditions of the past; the office of the King, from a correct understanding of the true needs of the present, and die office of the Prophet from the faith in the true vision of the future." On which we may remark: (1) d^at the prophetic function, taken in the strict sense, has not been abolished, either in theory or in practice, by Christianity; (2) that the prophets cannot be the organ of an absolute freedom—a freedom even from the revelation already received; (3) that the liberty of prophecy* is to be distinguished from the liberty of charity or the liberty of the children of God, which liberties likewise make short work of habits of tepidity in their entourage; (4) that it is not allowable to consider priest, king, and prophet as three callings of equal rank corresponding to the interests of past, present and future. Soloviev did not realise that Christianity, making a sharp distinction between the spiritual and the temporal, has worked out the idea of spiritual kingship, equivalent to prophecy in the broadest sense, which includes, without destroying, all legitimate particular forms of prophecy. The kingship, for us, remains superior to these particular forms of prophecy. Christ remains King; He is Prophet no longer, at any rate in the sense in which the ancients took this word.

1 Before Pentecost the Apostles themselves had been taught orally by Jesus. So also St. Paul was instructed by the other Apostles on the details of the Resurrection of Our Lord (1 Cor. xv. 3),

Both these ways arc divine. Both are equally attested in the Gospel. But each has its own part to play in the economy of the Church, and they are not interchangeable.

The Apostles themselves were instructed more especially by pure prophecy, in the sense that it was the illumination of Pentecost that gave them plenary understanding of all that the Saviour had taught them previously: "And in that day you shall not ask me anything . . . The hour cometh when I will no more speak to you in proverbs, but will show you plainly of the Father" (John xvi. 23, 25).1 But it was by way of teaching and witness that they would have to gain the nations for Christ.

5. "PROPHETISM AND THE LIGHT OF FAITH

But that is merely a beginning. Whether received by way of prophecy or by way of oral instruction the divine word, in cither case, has to be accepted in faith and lived in charity: "Be ye doers of the word and not hearers only, deceiving your own selves" (James i. 22). Here appears a new order of things, the order of "faith that worketh by charity" (Gal. v. 6), meant for prophets as well as non-prophets, which is higher than the order of prophecy, but in which, in fact, both prophets and Apostles have excelled.

The error of "prophetism", as it appears among the modernists or in the Russian philosopher Nicolas Berdiaeff, who at the time of writing adopts the standpoint of the Gnostics attacked of old by Irenaeus, consists essentially in confusing the first inspirations which belong to the domain of prophecy with the second which belong to that of faith and charity. This initial mistake gives rise to two very serious consequences.

In the first place there is the belief that the spiritual life, as soon as it becomes really deep, makes every man a prophet. Each faithful soul is to experience graces which, if not of the same intensity, are at least of the same nature as the graces accorded to the prophets and Apostles. And just as the prophets of the Old Law and the Apostles on the threshold of the New brought fresh revelations to enrich the earlier ones, so believers of our time are to remain open to other revelations aimed at constantly perfecting the deposit of the Christian faith. Because they will always tend to widen the frontiers of human consciousness, prisoner as it is of social prejudices and enslaved to the finite, because they will essentially modify the spiritual structure of the subject in whom they occur and who will be bound to receive them in the simplicity but also the complexity of his heart—these revelations, superior to all assurances of the common and exoteric consciousness, will be capable of indefinitely renewing Christianity. This, with the progress of history, will be enlarged and purified (by the abandonment of certain dogmas, such as that

and probably, as Père Allo and many others believe, on the Eucharist, cf. *Prtmicrt ipitre aux Corinthiens,* 1935, p. 277, 309 et scq. cf. below, p. 499, note 1. Such teaching, to be infallible, presupposes, as I have said, the assistance of a prophetic light. That is why I oppose the way of teaching or of witness to the way of *pure* prophecy.

1 cf. the commentary of M.-J. Lagrange.

of hell, in which we may sec the effect of some psychopathological complex) and will rise to a higher place in the spiritual hierarchy.l

That is not all. For, if the providential design had really been to send men prophetic illuminations to perfect, correct, and perpetually challenge the revealed deposit, it would be to fight against God Himself to try, as Paul nevertheless earnestly urged Timothy to do, to "keep that which is committed to thy trust", to "keep the good thing committed to thy trust" (i Tim. vi. 20; 2 Tim. i. 14). In fact the Church, instead of constantly producing new

l These, in sum, are Berdiaeff$ ideas: ll Religious revelation is not merely something which is done for us, it demands our co-operation; it is something spiritual and catastrophic which is accomplished within our being; if we had not ourselves lived through the experience of what others call divine revelation it would have no meaning for us" (N. Berdiaeff, *Freedom and the Spirit,* trans. O. F. Clarke, London 1935, p. 93). " Our spiritual experience is that of St. Paul and it belongs to one and the same spiritual world, whatever differences there may be between us" (p. 95). " Revelation is a catastrophic transformation of consciousness, a radical modification of its structure, almost, one might say, a creation of new organs of being with functions in another world ... In the piercing light of revelation the barriers of consciousness dissolve, and its hard crust is melted in the fire of revelation. The conscious is raised to the level of the supra-conscious and is widened and deepened to an unlimited extent" (p. 96). " Revelation is the fire which proceeds from the divine world, which kindles our souls, reshapes our consciousness and removes its limitations . . . Revelation is impossible without that fact of spiritual experience which we call faith, just as faith is impossible without that fact of the spiritual world which we call revelation" (pp. 102, 103). " Christian truth is revealed in a dynamic and creative process in the world which is still unfinished nor can it be finished before die end of time. The revelation of Christian truth to man demands an eternally dynamic state of consciousness and an eternal creative tension of spirit" (p. 113). " Even Christianity itself has its degrees of revelation, and the history of Christianity has its special epochs . . . There are different periods of Christianity not only in the life of individuals but also in world history. There are different degrees of development of consciousness and manifestations of spirituality, which are by no means due to different individual achievement in the way of sanctity. There is a perfection and sanctity of spirit, and also a perfection and sanctity of soul, an esoteric and an exoteric consciousness" (p. 113). 0 But the New Testament revelation is still hampered by unregenerate human nature and by pagan forms of consciousness. The spiritual world has not definitely entered into the natural. The infinite remains imprisoned within the finite" (p. 113). " The idea of heaven and hell is a conception which reduces the spiritual life to the sphere of naturalism . . . The kingdom of God is the life of the spirit and hell is only a form of spiritual experience " (pp. 324, 325). " There is no hell as an objective thing, that is a completely atheist idea and to admit it amounts to denying God" (Dr *la destination dr Vhomme,* Paris 1935, p- 346)· " Christianity, as a human phenomenon, has inherited all the complexes of carnal and psychic life which have been revealed by psychopathology: sadism and masochism, torture inflicted on oneself and others. These complexes have even poisoned Christian doctrine itself; they are rediscoverable iri the conception of the tortures of hell. A spiritual purification is indispensable" *(Destin de Γhomme dans le monde actuel,* Paris 1936, p. 97). Was then Jesus Himself a victim of these complexes?—Note that Berdiaeff distinguishes (see above: " there is a perfection and sanctity, etc.") the sanctity of the soul, compatible with an exoteric consciousness and so partially materialised, from the sanctity of the spirit, which is esoteric. And so, to that extent, he distinguishes the order of charily from the order of prophecy. His errors lie in that (1) He does not always or exactly distinguish them; for example, when he holds that an ardent faith is impossible for one who has not received the prophetic revelation, or that our spiritual experience is of the same nature as the revelation made to Paul: (2) He does not realise that a lively faith, independently of any prophetic light, is capable of introducing the believer to the *orerwhelminz* significance of the revelation made to the Apostles and received by simple preaching: (3) He misappreciates the exceptional excellence and definitive value of this apostolic revelation: (4) He believes in consequence that new revelations—not simply new developments of the Gospel revelation—are still needed at each stage of the spiritual progress of mankind: (5) He wants to transform into an opposition between prophecy and the magisterium the opposition between die heroic virtues of the saints and the mediocrity of the mass of ordinary Christians, die ardours of love and the coldness of egoism: (6) The attacks he continually directs

revelations, turned to a regular teaching, and instead of an essentially prophetic Christianity confessed a Christianity that proposed under a discursive form—involving the possibility of an indefinite dogmatic progress by development of the primitive enunciations—the *same* truths, the *same* realities, which the Apostles had known all at once and explicitly in an intuitive glance: so that the Church is accused of preferring the inertia of matter to the energies of life, static religion to dynamic religion, and the conservatism and routine of the masses to the free creations of the personal consciousness. But if we recognize, as Scripture requires, the sovereign excellence of the revelation made to the Apostles, it at once becomes clear that their preaching will always be valid, that it will illumine the life of all the saints whom God raises up in His Church to direct the spiritual progress of the Kingdom of God through all ages, all epochs, all phases of culture, to give an undeviating orientation to the whole order of faith and love; and that the supreme changelessness of the divine teaching delivered by the Apostles and triumphing over all the vicissitudes of history is not to be likened to the immobility of terrestrial things, the dullness of matter, the inertia of the average man, and the general laws of social behaviour.1

against the dogma of an eternal hell are noteworthy for their violence, not so much because they are always worthy of consideration (some arc disconcertingly ingenuous), but because they come from a man who—unlike the usual adversaries of the dogma—believes profoundly in the existence of God, in the personal immortality' of the human soul, in the incomprehensible malice of sin, and in the tragic sense of existence. This is not the place to answer them; for only a thorough exposition of the revealed teaching would suffice to dissipate all these misconceptions. I will content myself with three observations. First, when we realise that it was God Himself who willed to be nailed to a cross in the midst of men in order to save them from sin, we become less disposed to minimise the tragic character of the consequences of sin. Secondly, the mystery of evil, even in its supreme and most disturbing realisation, is but an infinite of the created order, whereas the mystery of God is an infinite of the uncreated order; and faith finds more substance in the second mystery than is needed to resolve the first. Thirdly, it is a nobler thing to believe, with divine faith and fear of heart, the whole Gospel revelation of the goodness and severity of God, than to assume the rôle of a prophet in order to deliver mankind from the chains that Jesus has laid on it.

1 " The spiritual constitution of man is flexible and dynamic so that it is impossible to regard as in any sense finally true that which belongs to a spiritual constitution of a finite and mediocre type. The supremacy of the finite indicates a bourgeois spirit in the religious life" (Berdiaeff, *Freedom and the Spirit,* p. 93). " It is simply a form of materialism to regard revelation as authority " (p. 94). " Thus Christianity in its development passes through a sort of legalistic phase, a kind of ' Judaeo-paganism ' where law' predominates. The spirit of the prophets is not seldom denied, and so Christianity is transformed into a rigid and static system of theological doctrines, canons and external organization. We picture the Church as a finished building, spire and all" (p. 114). '* Even the mystery of grace is naturalized, objectified, and rationalized by being assimilated to the forces operating in the natural world process clearly apparent in the systematizing of Catholic theology " (p. 114). Berdiaeff writes elsewhere: " There arc two concepts of Christianity, and they' can be conventionally qualified as respectively conservative and creative. What chiefly distinguishes them is the fact that for one the religious subject is immutable, while for the other it is open to change; for the one it is passive, for the other, active " (" Deux concepts du christianisme, à propos des controverses sur l'élément ancien et nouveau dans le christianisme ", *Feuille centrale de ^ofinçue,* Geneva 1936, no. 3, p. 183). Catholicism is an exclusively conservative Christianity', claiming to be the sole orthodoxy, and constrained to disregard the mutability' and activity' of the religious subject. " In sum, the religious subject with a consciousness of average normality is considered as immutable. The Thomist philosophy of common sense energetically maintains this thesis " (p. 184). " Prophetism rises up against the power of social collectivism, which expresses

C. Infallible Expression of the Revelation by way of Teaching

Besides the exceptional knowledge they had of the revealed deposit, the /Apostles enjoyed the privilege of a miraculous assistance which enabled them to give it an *oral or written expression* so faithful that God Himself must be said to speak by their mouths—"God as it were exhorting by us" as St. Paul said to the Corinthians (2 Cor. v. 20); and he referred them to lus oral teaching: "Now I make known to you, brethren, the gospel which I preached to you ... by which also you arc saved, if you hold fast after what manner I preached unto you" (1 Cor. xv. 1-2).

It follows that when they took up the pen to spread the good news, it was God Himself who was to be regarded as the responsible Author of their writings. "No prophecy of scripture," says St. Peter, "is made by private interpretation. For prophecy came not by the will of man at any time, but the holy men of God spoke, inspired by the Holy Ghost" (2 Pet. i. 20-21). The Vatican Council recalls that the sacred books are regarded as canonical because "being written under the inspiration of the Holy Spirit they have God for Author, and have been given as such to the Church",1 and the Encyclical *Proridentissimus,* of the 18th November 1893, thus develops these

itself especially in sacrificings and sacramentalism " (p. 187). It goes without saying that both the Church and Thomism—of which Bcrdiaeff generally speaks with surprising incomprehension—energetically repudiate what they are said to " energetically maintain ", and neither accept nor consecrate as final truth anything " that corresponds only to a spiritual constitution of a mediocre type ", nor consider the " average religious subject " as immutable, nor take a vulgar consciousness for a normal one, mediocrity for a law, the relative for an absolute, nor invest the socio-temporal order with any of the privileges of the socio-spiritual. This I say without in any way denying Berdiaeff's great and moving desire to sen e God, nor die justice and penetration of many of his view's on the march of history and the struggle of our times. In virtue of this last fact, but of this alone, he represents strikingly something we may call to-day—in a secular sense that would apply to a Joseph de Maistre or a Léon Bloy—by the name of prophet; that is to say a man sent, not, to be sure, to bring us any new doctrine of the faith, but to orientate the movement of history " ad humanorum actuum directionem".

If, on the point here in question, we wish to compare the doctrines of Karl Barth and of BerdiaefiT, we note (1) that Barth, unlike BerdiaciT, forcibly distinguishes the *reflation* made by God to the Apostles, " a unique revelation, made once and for all, irrevocable, not to be repeated, since die Cross of Calvary is not to be repeated" *[Rizelalûn, Église, Théologie,* Paris 1934, p. 13), from the *icitness* the)' have given to it, from die *message* dicy have transmitted, that is to say from Holy Scripture. (In this dogma of the unicity and immutability of the Christian revelation BerdiaciT would doubtless recognize " die side of Barthianism that seems reacdonary "): (2) that Barth will have nothing to do with the idea of a Church carrying this first witness of the Aposdes infallibly down the centuries, of a divinely assisted pastoral power: " One sole fact makes the Church a Church, namely that man listens because God lias spoken, and speaks; and he hears what God has said to him and repeats iu Where this fact is absent, where in its place there functions only some consecrated system, or where some religious community acts, where, in whatever sense, there is too much confidence in man and too litde confidence in God, there the Church *does not exist "* (ibid., p. 27). Here BerdiaciT would doubdess congratulate Barthianism for being " revolutionary ", for rejecting " all the false theophanies of the world for recognizing 0 the sin of all earthly incarnations, even that of the life of die Church", cf. *Deux cor&pLs du christianisme . . .* loc. dt., p. 202.

words: "It is of small moment that the Holy Spirit has availed Himself of human instruments to write, and there is no question of any error escaping, wc will not say the primary Author, but the inspired writers. For He it was that supernaturally prompted them to write, and while they were writing He so assisted them that they could precisely understand, and faithfully reproduce and infallibly express all that He willed, and nothing but what He willed. Otherwise He could not be the Author of the whole Scriptures." Just here, we may note, the power ofjurisdiction seems to be approximating to the power of order; the inspired writer would seem to be nothing but a pure instrument like the minister of the sacraments. But two great differences remain: (1) the sole end of the inspired writer is outwardly to propose revealed truth, not to introduce grace into a heart; (2) he can consequently choose what revealed truth he will transmit *hic et nunc,* and thus control the effect of his intervention; which the minister of the sacraments cannot do.

We see then that the grace of inspiration is of the essence of the apostolatc. It need not be supposed that the Apostles would want to use it all the time, or that everything they said or wrote about anything was necessarily inspired. The point is that without the grace of inspiration they would never have been able to proclaim infallibly, either orally or in writing, the revelation they had received, and, in consequence, could never have been Apostles. And if the privilege of inspiration was bestowed on two disciples of the Apostles, Mark and Luke, that was because, as Irenaeus explains, their Gospels are properly speaking those of Peter and Paul respectively, and because the witness of Luke in the Acts of the Aposdes is also identified with the preaching of Paul.[1] Tcrtullian likewise asserts against Marcion that the whole evangelical text, *instrumentum evangelicum,* has first for authors "die Apostles who received from the Lord the task of promulgating the Gospel", and that, "if other apostolic men also took a part, they did not write alone, but with the Apostles", Mark being Peter's interpreter and Luke, Paul's.[2]

Nothing is above the word of God, the revelation of God. In a first sense it is the very' action of God, God Himself. But the mystery it encloses, which will never be *seen* or openly revealed save in heaven and remains impenetrable and an object of*faith* for all here below, is given to men in diverse ways. The Apostles received it by direct prophetic illumination. Their inspiration enabled them to formulate something of it outwardly: their message, oral and written, containing all the principles or articles of faith, may therefore also be called the word of God. To that extent they were the authors of the oral or written preaching, the word of God intended for all men. If they arc to be reckoned as within the Church it will have to be said in

[1] *Contra Haatses.* lib. III, cap. i, no. 1; cap. xiii, no. 3; P.G. VII, col. 845 and 912. cf. M.-J\ Lagrange, O.P., *Histoire ancienne du canon du Nouveau Testament,* Paris 1933» ρ· 40·

[2] *Adcasus Marcionem,* lib. IV, cap. ii and v; P.L. II, col. 363 and 367. cf. Lagrange, loc. cit., P· 5°·

consequence that while they lived, the Church, which on their account was "revealing", was above the Scripture "revealed".[1] At their death the Church lost this privilege.

D. Extraordinary Power of Organization and of Government; Peter's Power compared with That of the other Apostles

Just as they had exceptional authority as regards things to be *taught,* so the Apostles had exceptional authority as regards things to be *undertaken.* To them had been entrusted the execution of Christ's design for the jurisdictional structure of the Church, her organization, her government.

Christ the Good Shepherd, the sole visible Ruler of all the sheep, had, before quitting the earth, left to a *sole* visible rulcr, to Peter, the care of feeding His lambs and His sheep. But He had also given directly to the other Apostles certain extraordinary powers of organization and government, which, in certain respects, made them Peter's equals. This may be cicarly gathered for example from Paul's apostolatc: he founds the Church at Corinth "as a wise architect" (i Cor. iii. io), he avoids preaching the Gospel where Christ is already known "lest I should build on another man's foundation" (Rom. xv. 20) ; at Antioch, as we have seen already, he withstands Peter to his face (Gal. ii. 11);[2] he is burdened with a daily "solicitude for all the Churches" (2 Cor. xi. 28).

What then are the relations between the *regular* power given to Peter, and the *extraordinary* power given to the other Apostles? Precisely as regards the power to organize and to govern the Church, in what respect is Peter the superior of the other Apostles, and in what respect are they his equals? The question is delicate, but at the same time of primary importance.

St. Thomas' answer consists in distinguishing, on the basis of Scripture itself, between the Apostles as Apostles and the Apostles as Christ's sheep. Cajctan gives a penetrating analysis of it, and here I shall try to make one or two further precisions.

As Apostles, the Apostles are equal; they have been given extraordinary

1 " Ipse Johannes ct similiter quilibet apostolus, Ecclesia erat . . . Ex quo namque constat apostolorum aliquem scripsisse ad doctrinam Ecclesiae, Ecclesiae auctoritatem habet'* (Cajetan, *De Comparatione Auctoritatis Papae ct Concilii,* cap. iv, no. 54).

3 " He resists Peter, which supposes that the latter was invested with authority and passed among the faithful as his superior; and he resists him to his face, without pausing before a pre-eminence which might seem to demand more deference, even obedience. If he seems to be somewhat overhasty, not wholly unruffled in his attitude to Peter, that was because the latter was in fact to be blamed. .According to Comely this circumstance gave Paul an excellent opportunity to demonstrate that he had not only been recognized in the Council as the equal of the Apostles, but that he had behaved as an equal of the prince of the /Apostles himself, equal as regards the apostolatc at any rate, 35 regards the government of the whole Church, a thing not here in question. The text would indicate rather that Paul, assured of the truth of his Gospel, did not hesitate to challenge the ascendancy of Peter . . . while awaiting an opportunity to prove to him, and through him to the Galatians, that he was right in so doing" (M.-J. Lagrange, O.P., *Épître aux Galatis,* Paris 1918, p. 41). Even if we follow the nuance proposed by Lagrange rather than that indicated by Comely' the remark of St. Thomas Aquinas, who sees something more here than a fraternal correction of Peter by Paul, remains valid.

privileges foi the setting up of the Church, *respectu Ecclesiae in fieri.* Hcrë we will leave on one side for the moment every thing which concerns their role as eyewitnesses of Christ's life and resurrection and bearers of the Christian revelation, and consider only their power to rule the universal Church. They receive directly from Christ an executive power—that is to say, a power to undertake missions, found local Churches everywhere, incorporate them into the universal Church, organize them and give them legitimate heads. This extraordinary and intransmissible power for the founding of the Church, which may be called the apostolic power in the strict sense, encloses in itself, rather as the calyx contains the flower, an ordinary and transmissible power for the preserving of the Church—that is, the power of the episcopate. St. Paul had the first power in mind when he wrote to the Romans (xv. 20): "And I have so preached this gospel, not where Christ was named, *lest I should build upon another man sfoundation."* But when he reminds Titus and Timothy of the privileges and duties of their pastoral office, it is the second power which he has in mind.

After Christ's departure the Apostles—as His sheep—were entrusted to one sole shepherd—Peter; and there we have, over and above the apostolic power common to the Apostles, the transapostolic power proper to Peter, which he received directly from Christ.

The difference between these two powers is an essential one. The apostolic power common to the Apostles is the power of founding the universal Church like a workman who lays the foundations of a building—that is to say, episodically, as to its appearance in the past. The transapostolic power proper to Peter is the power of founding the Church like the rock upon which the weight of a building rests—that is to say, structurally, as to its permanence in the present. The Apostles could found local Churches, and incorporate them into the universal Church, and organize them, and give them their bishops; but Peter remains the visible centre of co-ordination of that Church, and his authority stands out in sharp relief immediately after Christ's ascension. According to St. Thomas die Apostles are Peter's equals in carrying out Christ's plan (in *executione auctoritatis'),* but he alone holds the structural authority to rule *{auctoritas regiminis)* in the manner that has just been described.l

l In his *De Comparatione Auctoritatis Papae et Concilii seu Ecclesiae Unicersalis,* Cajctan writes: ' The Apostles may be compared one with another in two ways: first, as Apostles (and thus they were all equal) and second, as Christ's sheep, separated from physical contact with Him (and thus Peter alone is shepherd and the other Apostles are committed to his care)" (no. 23). " Peter was made universal *cicar* of Jesus Christ; the other /Vpostlcs were made *legates* or *delegates* of Jesus Christ, in accordance with St. Paul's words in 2 Cor. v. 20: l For Christ therefore we are ambassadors [Zejatio], God as it were exhorting by us ' and in Ephes, vi. 20: *. . . the mystery of the gospel, for which I am an ambassador [/rgatio] in a chain.' That is the very sense of the word *Apostle,* which is derived from ' mission', and it is only by extension that they are called vicars in the Preface of the Apostles " (no. 37). Peter's power differs from that of the Apostles " by its very essence. For the authority given to the Apostles in common was an *executive* power, and St. Thomas calls it the power of governing, which implies execution. But the authority given to Peter who was made Pope by Christ's words *Feed mj sheep*—in his own right, is a *preceptive* power, which St. Thomas calls the authority to rule. . . . It is the power to execute, not the *imperium,* which is given to the

THE CHURCH OF THE WORD INCARNATE

If the transapostolic privilege provides the foundation of the Church as docs the rock on which a building rests, it follows from this that it will be transmissible of its nature. As Cajetan put it, Peter received it in person not by any private title, but in the name of the Church, as a power which should pass on to all his successors: "In persona propria, non solum pro seipso, sed pro omnibus successoribus suis; quod sancti Doctores exprimunt sub aliis verbis, dicendo quod data est Petro in persona Ecclesiae."[1] The apostoh'c privilege was, on the contrary', to be intransmissible by its nature. The Apostles possessed it as delegated, in an extraordinary manner, by right of a personal privilege which was to die out with them: "in personis propriis, pro solis personis propriis et non pro eorum successoribus."[5] They were to transmit to their successors die ordinary power of the episcopate only. Peter passed on to his successors two powers—a transapostolic power (as shepherd of Christ's sheep) and an episcopal power (as an Apostle).

Finally it should be added that it was normal for Peter to receive his transapostolic power directly from the hands of Christ. On the contrary, since the other Apostles were to remain under Peter's direction as sheep under the charge of their shepherd, they would, in the ordinary way, have received the apostolic power at the hands of Peter, and it was by a sort of anticipation, justified in any case by the overall demands of their mission, that they too received it directly from the hands of Christ.[1]

Thus, then, Peter *alone* has the personal power of ruling the universal Church or, in St. Thomas' phrase, the "auctoritas regiminis";[4] and in this respect, as Cajetan noted, the first successors of Peter, the first Popes, Linus, Cletus, Clement, were above even the Apostle St. John, their content-

Apostles, and that is why the Preface of the Apostles calls them not vicars in the absolute sense but vicars of the work of Christ, which means vicars for doing the work of Christ" (no. 40). "Paul is Peters equal only in a certain manner—that is, as to execution (for the defence of the faith, for example)" (no. 41).

Cajetan's distinction was to be taken up again by St. Robert Bellarmine *(De Romano Pontifice,* bk. i. ch. 11): "by reason of the power of government which was in them, all the Apostles are at the foundation of die Church in this sense, that they were all heads, directors and pastors of the universal Church, yet not as Peter was. They had the highest and widest power, but as *apostles* (those *sent)* or *legates,* while Peter possessed it as *ordinary pastor.* And in addition, they had the fullness of power in such a way that Peter was their head and they were dependent upon him, and not the other way round."

[1] *De Comparatione Auctoritatis Papae et Concilii,* no. 39.

[1] ibid.

[1] It was not simply the *ordinary* power of the episcopate, but also the *extraordinary* power of the apostolate, which was to emanate as of right from Peter's power, but which nevertheless Our Lord bestowed immediately on the other Aposdcs. I interpret Cajetan's thought as follows: "Peter alone was Vicar of Jesus Christ; he alone received immediately from Christ the regular power of jurisdiction, so that normally die others would receive their power from him and be subordinated to him . . . and yet the Master of all rights, Jesus Christ, gave the other Apostles by delegation an executive power of jurisdiction which made them Peter's equals" *(De Comparatione Auctoritatis Papac et Concilii,* cap. iv, no. 55). Following St. Thomas, Cajetan carefully distinguishes their *executive* power, in which the Apostles equal Peter, from the *preceptice* power, in which Peter is their superior.

[4] "Apostolus [Paulus] fuit par Petro in *executione* auctoritatis, non autem in *auc critate regiminis"* *(Comm. ad Galatas,* cap. ii, lect. 3).

porary.[1] But in virtue of a divine provision the other Apostles shared xvith Peter the power of founding new local Churches, of incorporating them with infallible security into the life of the universal Church, and of bringing them, through their mediation, under the authority of the supreme visible pastor of all the sheep of Christ. They were Peter's *equals* in the work of carrying out Christ's design for the jurisdictional structure of the Church, and in everything touching the execution of the authority, "in cxecutionc auctoritatis".[2] Like Peter, they could not only found local Churches, but also organize and govern them, and take all the practical steps which seemed needed in these particular Churches, for example to defend the faith, "quantum ad fidei defensionem".[3] And that is why Paul resisted Peter at Antioch.[4]

Peter alone was the *Vicar* of Christ, that is to say, in the sense in which theologians take this word, the depositary, by regular title, of the supreme jurisdictional power. The other Apostles had only a *delegated* power, a partial power, enabling them to carry out Christ's work temporarily.[5]

In short, and this is the thought of St. Thomas as regards the power of governing the Church, the Apostles were, absolutely speaking, subordinate to Peter. It was only in a certain respect that they were his equals.®

1 ° Erat papa excedens in auctoritate regiminis, sicut de Petri auctoritate dictum est, quia illius erat successor, ct Jcsu Christi vicarius ipse, non Johannes" *{De Comparatione Auctoritatis Papae et Concilii,* cap. iv, no. 53). cf. further on p. 383, note 3.

9 "The authority given in common to the Apostles in virtue of the apostolate was *executice.* St. Thomas speaks of authority to administer *{gubernare},* for who sap administer says execute. On the other hand the authority given to Peter alone, who was made Pope by these words of Christ: 'Feed my sheep is a *preceptice* power: St. Thomas speaks of authority to rule *{regiminis}.* That is why St. Thomas writes in his commentary on Galatians ii. it, that Paul was Peter's equal in *execution,* not in *authority to rule.* He writes also in his commentary on 1 Corinthians xii. 28, that what was entrusted to the Apostles was 'Ecclesiae regimen that is to say, *execution',* but not * auctoritas regiminis that is to say the power of command, the *imperium*" (Cajetan, *De Comparatione Auctoritatis Papae et Concilii,* cap. iii, no. 40).

' St. Thomas, II–II, q. 33, a. 4, ad 2.

4 It goes without saying that the debate which put Peter and Paul in opposition (Gal. ii. 11) did not bear on any point of faith (Paul brought no Gospel other than that of the other Apostles, (Gal. ii. 2)) but on die opportuneness of a certain practical application (Paul himself, in other circumstances, made concessions to the Judaizers just as Peter did, for example when he circumcised Timothy (Acts xvi. 3)). Peter's error, says Tertullian, concerned his action, not his teaching, *concertationisfuit vitium, non praedicationis {De Praesaipt.,* XXIII, 10). But Peter's misjudged conduct could, in die given circumstances, disturb the faith of the Christians, and that is why Paul withstood him to his face. The incident thus compels us to distinguish, in respect of Peter himself, an *infallible* assistance given him in matters of faith, and a*fallible* assistance in prudential applications. With all the more reason it obliges us to distinguish infallibility from impeccability.

5 It is by extension, remarks Cajetan, diat the delegated and extraordinary power of the Aposdcs is called vicarious. Properly speaking the Apostles were the "legates", that is to say the "delegates" of Christ. In the Mass, the Preface of die Aposdcs calls them not vicars simply, but vicars of Christ's work—"quos operis tui vicarios cidem contulisd praccsse pastores"—that is to say envoys, in the name of Christ, to carry' out His work temporarily, not to rule permanendy *{De Comparatione Auctoritatis Papae et Concilii,* cap. iv, no. 46).

1 "To withstand him to his face in public exceeds the limits of fraternal correction, and Paul would not have done it had he not been, in some way, Peter's equal in die defence of the faith. When the faith is imperilled prelates ought to be checked by their subjects, even publicly. Hence Paul, who was Peter's subject, took him up publicly on account of a dircatencd scandal in a matter of faith" (II-П, q. 33, a. 4, "Utrum quis teneatur corrigere praelatum suum", ad 2. cf. p. 383, note 2). The expression "when the faith is imperilled" here applies to the case in which a

E. The Gift of Miracles

Finally, all unknown as they were to the peoples to whom they proclaimed a Church without a past, a folly to the Gentiles, a scandal to the Jews, the Apostles were sorely in need of *signs* to accredit their mission.

The most effective, the one to which they always appealed, was the Resurrection of Our Lord. It guaranteed the truth of the discourses of Peter at Jerusalem (Acts ii. 32), of Paul at Antioch of Pisidia (xiii. 30), at Athens (xvii. 31), and at Corinth (1 Cor. xv).

But, "in the name of Jesus of Nazareth", it was given to themselves also to make the "eloquence of God" (Augustine's phrase) heard in miracles; they too were to straighten the limbs of the lame (Acts iii. 6), heal the sick, cast out devils (v. 12); they too handled serpents (xxviii. 3), and spoke with tongues (ii. 6). All this had been promised them by Jesus: "And these signs shall follow them that believe: in my name they shall cast out devils; they shall speak with new tongues. They shall take up serpents, and if they shall drink any deadly thing, it shall not hurt them; they shall lay their hands upon the sick, and they shall recover" (Mark xvi. 17-18).

The power to work miracles—which does not constitute sanctity, but sometimes indicates it—will always, like the gift of prophecy, be found in the Church of God; but in those days it was bestowed freely. Why? St. Gregory the Great's commentary on the words of St. Mark puts it admirably: "You, my brethren, who do not perform these miracles, do you therefore disbelieve them? By no means; for we know that they were needed in the early days of the Church. They were needed that the faith might grow. When we transplant our bushes we give them water for just so long as they seem to need it in order to take root in the earth; and when they arc rooted we stop watering them. Hence St. Paul's word [1 Cor. xiv. 22]: *wherefore longues arefor a sign, not to believers, but to unbelievers."*[1]

Such were the privileges of the Apostles. They knew the whole plenitude of the faith distinctly in one intuitive glance. They proclaimed new revealed truths. In so doing, whether by word of mouth or in writing, they were divinely assisted. They could thus augment the treasure of Tradition and of Holy Scripture. They founded the Church wherever they went, whether free or in chains. They confirmed everything with miracles.

practical measure is seen to be disastrous and calculated to trouble the faith of the simple. In my *Primauté dt Pierre dans la perspective pratestante et dans la perspecti:? catholiquey* Paris, 1953, pp. 70-83, I have developed this viewpoint further in the course of establishing that Peter received from Christ (as pastor of all Christ's sheep, the Apostles included) (t) A truly transapostolic privilege: (2) of the jurisdictional order, which was (3) meant for the founding of the Church, not episodically, M in thç case of a workman who lays foundations, but continuously, as in the case of the rock on which the weight of a building rests, and is, in consequence, (4) enduring.

[1] *HamiL in Evang.t* lib. II, homil. 29·, P»L. LXXVI, col. 1215.

2. *THE SANCTITY OF THE APOSTLES*

In the domain of sanctity, too, the Apostles had to be efficient causes, sources; hence their eminent sanctity.

A. The Apostles, Principle of the Charity of the Church

I. THE CONTAGION OF THEIR CHARITY

Besides the jurisdictional power there are powers of love, and to the bare proposition put out by authority may be added the divine persuasion of charity. Now if the whole order of jurisdiction subserves the order of charity, the princes of jurisdiction should also be princes of love; those who first announce divine things should know how to incline men's hearts to love these things, should have the eloquence of charity and this "voice of the heart, which alone goes to hearts". "Simon, son of John, lovest thou me more than these?"—"Yes, Lord, thou knowest that I love thee."—"Feed my sheep" (John xxi. 15). The great wind and the fire that came down on the Apostles on the day of Pentecost marked the influx of the burning and conquering charity which would go kindling on from age to age to the end of historical time[1]—a mysterious and still too little understood causality of grace, acting by contact like a flame that leaps from branch to branch, a causality found eminently in the Apostles but belonging to the Church—not indeed to the Church teaching as such, not to the hierarchy as such, but to the Church believing and loving in her entirety—and issuing from all that is most precious in her, all that is most interior, and most essential.

2. THE EXCELLENCE OF THEIR CHARITY

God, says St. Thomas, "offers to each a grace proportioned to the mission for which he is chosen. The Christ-Man received the most excellent of graces, for his nature would be united to a divine Person. After Him the blessed Mary had the highest plenitude of grace, since she was to be the mother of Christ". Next we must place St. Joseph, to whom, says Leo XIII, "God entrusted the divine house that contained the first-fruits of the nascent Church",[2] and St. John the Baptist.[3] "Amongst the other saints," St. Thomas goes on, "the Apostles had the highest dignity, that namely of

1 " Although they had the Holy Spirit who brought them the grace proper to their own persons, the disciples received the Holy Spirit once more on the day of Pentecost, bringing them grace for all that concerned the promulgation of die faith and the salvation of others *' (St. Thomas, *IV Sent.,* dist. 7, q. I, a. 2, quaest. 2).

2 Encyclical *Quamquam Pluries,* 15th August, 1889.

a " Were the Apostles greater than John? In merit, no. But for the sake of the New Testament they proclaimed, yes *[non merito, sed ojjicio Novi Testamenti}.* In this sense it is said (Matt. xi. 11) that the least in the kingdom of heaven is greater than he " (St. Thomas, *Comm, in Λfait.,* III, 11). John is inferior to the least in the kingdom, not absolutely, *universaliler,* but because of the times in which he lived, *tempore* (ibid., xi. u).

receiving the things of salvation immediately from Christ, so that in a way the Church was founded on them, as it says in the Apocalypse, xxi. 14: *And the wall of the city had twelve foundations and in them the names of the twelve apostles of the Lamb.* Also it is said in 1 Corinthians xii. 28: *God has given us different positions in the Church, Apostles first ...*" The Apostles "surpassed all the saints—whatever prerogative these others had, virginity, doctrine, martyrdom—for they received the Holy Spirit more copiously". Others perhaps underwent greater sufferings and practised greater austerities, but the /XposLlcs did their work with the greater charity "and they were ready to undertake, if need be, still greater things"? Raised to a singular dignity, they had known a superabundant grace, "whence appears the temerity, not to say error, of those who dare to compare the other saints with the Apostles, in anything that concerns grace and glory".s They could say, with St. Paul: "Be ye followers of me, as I also am of Christ" (1 Cor. xi. 1).

3. THEIR POWER TO JUDGE THE WORLD

"Amen I say to you, that you, who have followed me, in the regeneration when the Son of Man shall sit on the seat of his majesty, you also shall sit on twelve seats judging the twelve tribes of Israel" (Matt. xix. 28). It may be that the immediate meaning of the "regeneration" was the era of the New Testament, which was to be put under the authority of the Apostles.l But it also designates the kingdom of eternal glory: "Know you not that the saints shall judge this world?" wrote St. Paul to the Corinthians. "Know you not that we shall judge angels?" (1 Cor. vi. 3). Not the Apostles only in virtue of their hierarchic privileges, but all the saints with them, the entire Church of love, will "participate in the royal and judicial power of her head", and her judgment will fall on the whole world and even on the angels, for the praise of those who remained faithful and the condemnation of those who rebelled?

But the Apostles excelled in this Church of love. They were the "first fruits of them that believe"? A power of judgment is therefore reserved for them. The final judgment, says St. Thomas, could be carried out in three ways. First by "comparison": and in this sense the good will judge the wicked, the saints the world; further, the good will be judged by the better, the worst by the bad. Then, next, by "approbation" of Christ's sentence, and only the just will be allowed to judge thus. Finally by "promulgation" of this sentence, and this will be the privilege of the Apostles, and of those who, following them, shall have despised the world for the sake of spiritual things, since the spiritual man judges all things. This "promulgation" will be "spiritual, not verbal; an illumination, making known to lesser saints and to sinners themselves the rewards and punishments reserved for them, just

l *Comm. in Ram.,* VIII, 23, lect. 5.
l Comm. ad Ephes., I, 8, lect. 3.
' NL-J. Lagrange, O.P., *Écangile selon saini Matthieu,* Paria 1923, p. 381.
4 E.-B. Allo, O.P., *Première épitre aux Ccrinihiens,* Paris 1935, p. 134.
* St. Cyril of Alexandria, *Glapfyr. in Genes.,* lib. VII; P.G., LXIX, col. 361.

as men are now illumined by the angels, and the lower angels by the higher."[1] It will be a mental judgment, as St. Thomas says elsewhere, in which the divine virtue will remind each of what he has done; and if this illumination is of the same order as the illumination of the angels by God, and of men by the angels, "it is not surprising that men will then receive something of the light that will fill the Apostles." Christ will then give judgment as Author of the New Law, and the Apostles as its promulgators.[2]

4. THEIR INTERCESSION

Finally, the Apostles who, in the days of their mortality, gave the Church a momentum of love that would carry her through time and into eternity, and who at the last day will judge her in the clear light of their love, *will not cease to protect her by their intercession in heaven.* The Church is well aware of it, for she sings in the Preface of the Apostles: "It is truly meet, and just, right and profitable humbly to beseech Thee, O Lord, eternal Pastor, not to forsake Thy flock but ever to guard it and keep it through Thy holy Apostles, so that by these rulers it may be governed whom Thou didst set over it to be its pastors."

B. Marks of the Charity of the Apostles

1. "But yet rejoice not in this, that spirits are subject unto you: but rejoice in this, that your names are written in heaven" (Luke x. 20). It was fitting, says St. Thomas, that the Apostles should, at the moment of Pentecost, be confirmed in grace, "for they were to be the foundation and basis of the whole ecclesiastical edifice, and so they had to be firm". In Christ, confirmation in grace excluded even the intrinsic possibility of sin. Not so in the Apostles; but grace became potent enough in them to hold their lower appetites in check, to incline their wills powerfully towards God, and to fasten their minds on contemplation of divine truth, so that on this account alone it was almost impossible for them to sin gravely. Divine providence furthermore saw to it that they were externally prevented from succumbing to temptation.[3] Nevertheless, even so, the Apostles sinned venially. At Antioch it was Peter, the most favoured of them all, who wavered, and Paul had to resist him: "Once they had received the grace of the Holy Spirit the Apostles no longer sinned mortally, and this was due to the divine power that had confirmed them; they sinned however venially, and that was due to human frailty."[4]

This is also St. Augustine's doctrine: "Who more holy among the new people than the Apostles? And yet the Lord would have them *pray: forgive us our trespasses.* And again he writes: "When Christ was risen, He confirmed

[1] *Comm, in 1 Cor.,* VI, 3.
[2] *Comm, in Mall.,* XIX, 28.
[3] *De Veritate,* q. 24, a. 9.
[4] *Comm, ad Gal.,* II, 11, lect. 3.
Contra Duos Epist. Pelag., lib. III, cap. vi, no. 15.

the Apostles and they became spiritual. Were they therefore without sin? These spiritual Apostles wrote spiritual epistles and sent them to the churches. You think that they did not sin? I do not think so, and I put it to them thus. Say, holy Apostles, when Christ was risen and you were confirmed by the Spirit sent from heaven, did you know sin no more? Say, I beseech you. And for us, wc listen, so that sinners may not despair, nor be discouraged from prayer under pretext that they are no longer without sin. Say then! One of them replies. Who is it? He whom the Lord loved the most, who reclined on the Lord's breast and drank the secret of the kingdom of heaven that he might proclaim it. He it is that I ask: /Xrt thou without sin, or not? He answers and says: if we say that wc are without sin we deceive ourselves, and the truth is not in us."[1]

But how mysterious is this persistent proncness to fall away, this incurable wound in the hearts of those even who had been through the unforgettable experiences of Easter and Pentecost! It will have to be said that nothing and no one in this world has ever been without stain, save only the Mother ofJesus, save only the heart ofJesus, placed by the Eucharist in the midst of all our sins.

2. "It is not reason that we should leave the word of God and serve tables. Wherefore, brethren, look ye out among you seven men of good reputation, full of the Holy Ghost and wisdom, whom we may appoint over this business. But wc will give ourselves continually to prayer, and to the ministry of the word" (Acts vi. 2-4). The Apostles therefore knew the highest form of the active life, that which Jesus had chosen, the life that would later be called the apostolic life, a life that, flowing from the fullness of contemplation, is higher even than contemplation pure and simple; for "if it is belter to illuminate than simply to shine, it is better to hand on to others the truth contemplated than solely and only to contemplate."[2]

3. Finally, they were to give proof of the height of love and seal their mission by martyrdom. "These arc they," say's the liturgy, 'Who in their living flesh planted the Church in their own blood; they drank the chalice of the Lord, they are become the friends of God; their message has been spread abroad in the world, their words have gone forth to the ends of the earth."

In a penetrating study Erik Peterson has brought out the relations between the apostolate and martyrdom as understood in the mind of the Church.[3] The notion of apostle comes first, that of martyrdom immediately after. But in the Twelve the two ideas are closely united. This is not accidental: it is providentially willed. Christ Himself, God made Martyr, proclaims it: "I send you out to be like sheep among wolves . . . they will hand you over to courts of judgment, and scourge you in their synagogues; yes, and you will be brought before governors and kings on my account, so that you can bear

[1] *Srrmo* CXXXV, cap vii, no. 8.
[2] St. Thomas, II-II, q. i88, a. 6.
[3] Erik Peterson, *Dcr Martyrcr tmd du Kirdu,* Hochland 1936-7, p. 385.

witness before them, and before the Gentiles . . . A disciple is no better than his master, a servant than his lord" (Matt. x. 17-18, 24). The wolves are, first the Jews, whose sanhedrins and synagogues are mentioned; also the Roman governors and the kings, that is to say the Gentiles: in short, they arc all who persecute the Church, that God may have mercy on them all. The conflict between the sheep and the wolves, between the Apostles and the world, is due to no passing misunderstanding; it is ineluctable, and to say that the entire Church is essentially apostolic is to say that the entire Church is essentially crucified, martyred.

We have noted that the extraordinary jurisdiction of the apostolate and the permanent jurisdiction of the pontificate were united in the Twelve. Only the permanent jurisdiction passed to their successors. It is not necessarily bound up with martyrdom. However, the grace of martyrdom is never lacking in the Church. We must steer clear of two contradictory errors, says Erik Peterson: that which would recognize none but martyrs as authentic successors of the Apostles, and that which holds that martyrdom, the cross, asceticism, arc no longer needed by the Church. Jurisdiction and the grace of martyrdom, which were united in the Twelve, can be separated among other Christians. But the Church gathers them up together and holds them in close association in the mystery of her profound collective unity.

EXCURSUS 1II

THE THREE KINGSHIPS OF CHRIST

The traditional doctrine of the Kingship of Christ, its authority fortified by the Encyclical on Christ the King (11 December 1925), throw's a strong light on the source of the jurisdiction of the Church, and ought on this account to be incorporated in the treatise *De Ecclesia* to aid the systematization of ecclcsiological doctrine. I shall try' to show here—with the help of two studies, one of which very clearly sums up the views of theologians prior to the Encyclical (M.-B. Lavaud, O.P., ''La Royauté temporelle de Jésus-Christ sur l'univers", in *Vie spirituelle,* March 1926), and the other assigning the proximate bases of the temporal kingship of Christ (Ch.-\7. Héris, O.P., ''La Royauté sacerdotal du Christ", in Zz *Mystère du Christ,* ch. v)—that it is important to distinguish three kingships in Christ: His ''divine" kingship, His ''spiritual" kingship, and His ''temporal" kingship. Only one of these three, the spiritual kingship, has been imparted in a certain measure to the Church.

i : The Divine Kingship. We can consider Christ as God. And thus He is King and Lord, both of the universe of supernatural realities and of the universe of natural and temporal things.

2: The Spiritual Kingship. We can consider Christ as Man, charged with the task of imparting spiritual life to the world. Capital grace, which filled His heart, made Him King at once over the whole supernatural order, with a mission to lay down the speculative truths to be believed and the practical things to be done. It is a moving thought, as the Encyclical observes, following St. Thomas (III, q. 59, a. 3), that the supremacy over mankind that Christ received from

the very outset, He nevertheless desired to merit by His Blood. This kingship is altogether spiritual, altogether supernatural. It touches spiritual things alone, but there are two levels of things thus subjected to Christ's spiritual kingship.

The first arc spiritual always and by their very' nature—such as all that is essentially ordered to salvation, truths to believe or put into practice, supreme sanctions and so forth: "He that believeth and is baptized shall be saved; but he that bclieveth not shall be condemned" (Mark xvi. 16); "If you love me, keep my commandments" (John xiv. 15); "Then shall the king say' to them that shall be on his right hand: Come, ye blessed of my Father, possess you the kingdom prepared for you from the foundation of the world . . . Then he shall say to them also that shall be on his left hand: Depart from me, you cursed, into everlasting fire which was prepared for the devil and his angels" (Matt. xxv. 34 and 41).

The second become spiritual *temporarily and by accident'.* "The spiritual kingship of Christ", says Hcris, on this subject, "involves this power of intervention in human affairs: and in fact in the Gospel we may see Christ making use of it when, for example, He turns the money-changers out of the Temple, and vindicates God's right to be duly honoured even at the expense of commercial liberties. It is not without interest to remark that this power of intervention in the temporal order does not give Christ any new royal dignity, but is part of His spiritual kingship. For there is no question here of commanding and legislating with a view' to the natural common good of human society—all that belongs to the temporal power properly so-called." It is a case of intervention in matters which, although normally temporal, become spiritual in particular cases, because of the way in which they affect the salvation of souls. In this jurisdiction over temporal things in so far as they are accidentally ordered to the spiritual, we shall recognize what the theologians of the Renaissance called (in a phrase which must be properly understood) the indirect power over the temporal.

3: Temporal Kingship. We may lastly consider Christ as Man, abstracting for the moment from the habitual grace He came to give. Then He would not be formally and actually the King of grace. But the infused natural knowledge which already filled His intelligence would enable Him to rule the natural world. Radically, by reason of His union with God, and proximately on account of His infused natural knowledge, Christ therefore possesses as of right the temporal kingship of the whole universe. He is "the prince of the kings of the earth" (Apoc. i. 5), the " King of kings and Lord of lords" (Apoc. xix. 16). This universal and transcendent suzerainty is not incompatible with the particular power of earthly kings, but contains and envelops it. Whence it follows that Christ could have assumed the temporal government of the whole world without doing any injustice to its kings. His power implies the right to depose princes for merely temporal reasons and to transfer their crowns to others. We must likewise say that Christ, besides His temporal kingship, had a right of property in the whole universe. And thus, at need, we can explain how He could take over certain articles of private property, for example the she-ass and the colt He used for His entry into Jerusalem; that He could allow the Apostles to pluck the cars of com in the fields, that He could curse and destroy the barren fig-tree, that He could send the devils into the swine so that they rushed into the sea and were drowned. It is however preferable to explain all this by His spiritual kingship.

THE POWER OF JURISDICTION

For Jesus, who was temporal Lord of the universe *in right,* never wished to be so *infact.* He did not make use of His power. He left all the kings on their thrones, as the Church sings in the Epiphany hymn: "He took not away the perishable kingdoms, who gave heavenly kingdoms." St. Augustine remarked that in saying: "My kingdom is not of this world ", Christ was saying to all earthly kings: "Fear not, I meddle not with your dominion." He did not deny that He was King, even over the temporal, but only that He was so in the manner of earthly kings. His kingship is not particular, but universal; it does not exclude other kingdoms, but permits them; it is not exercised in splendour and display, but hides behind a poor and humble exterior. "Now Christ, although established King by God, did not wish while living on earth to govern temporally an earthly kingdom ... in like fashion He did not wish to exercise judiciary power over temporal concerns, since He came to raise men to divine things" (St. Thomas, III, q. 59, a. 4 ad i). In the same way, although *in right* He owned all things in the whole universe, He wished to have no more than the mere *use* ofjust a few. From being rich, He made Himself poor. He said of Himself: "The foxes have holes, and the birds of the air nests; but the Son of Man hath not where to lay his head" (Matt. viii. 20). The reason for this renunciation was that Jesus did not come to use His rights, but to establish by the cross a spiritual kingdom, a crucified kingdom, in which poverty, tears and humiliation would be blessed.

The Encyclical sums up the doctrine of the temporal dominion of Jesus in a few lines: "We cannot without grave error refuse to Christ as Man the sovereignty over all temporal things. For He received from His Father a right so comprehensive over creatures that all are placed under His dependence. But while He lived on this earth He wholly abstained from the exercise of any such dominion, and although He has authorised and still authorises the possession and administration of temporal goods, He Himself disdained them. Hence the beautiful line: *He takes not away the perishable kingdoms, who gives us the heavenly kingdom."*

Of the three kingships ofJesus it goes without saying that the first, the "divine" kingship, is incommunicable. The third, the "temporal" which Christ possessed without desiring to use it, was no part of the treasure that He left to His disciples. The second alone, the spiritual kingship, concerned with things that are spiritual cither by nature or accidentally, has passed to the Church—in a measure that remains to be precisely stated. All the accusations of theoretical imperialism made against the Roman Church by the dissident Graeco-Russians or by Protestants can be rebutted by this doctrine.

Here I have tried to define the *precise* reason for the kingship of Christ, in so far as it is distinct from His priesthood.

But evidently the Feast of Christ the King can be given a more *extended* sense. For example, we could oppose the reign of love (the Kingdom of God) to the reign of justice, which punishes; we could distinguish the Kingdom of Innocence from the crucified Kingdom of Redemption; and we could describe the preparation, the foundation, and the destinies of this crucified Kingdom. All that is suggested in the liturgy of the Feast of Christ the King.

Chapter V

THE PERMANENT JURISDICTION OR PONTIFICATE

Christ employs the power of order to make contact with His Church and to pour into her in secret the plenitude of redemptive grace. He employs the power of jurisdiction, the pastoral power, to put before her, always from without, always by way of sensible contact, the whole fullness of the truth, speculative and practical, that is to guide her through time to eternal beatitude.[1] To the Apostles He gave first an *extraordinary* jurisdiction (apostolate) which would die with them, and which they would need for the founding of the Church, then in process of becoming rather than in actual being. And He gave them, linked with the power of order, and, like the latter, transmissible, an *ordinary* jurisdiction (pontificate) which they were to pass on to their successors.[2]

I. THE CHIEF DIVISIONS OF THE JURISDICTIONAL POWER

A power is a potency endowed with pre-eminence and with authority to act.[2] It is defined more especially by its end. The generic end of the

1 .According to the *CaUchism of the Cotmcil of Trent* the " ecclesiastical power is two-fold : power of *order* and power ofjuruJichcn. The power of order is concerned with the true body of Christ in the Holy Eucharist. The power ofjurisdiction is wholly concerned with the mystical body of Christ; and its end is to govern and direct the Christian people, and to lead them to eternal and heavenly beatitude " (part II, cap. vi). The power of order " does not cover only the virtue and power of consecrating the Eucharist; it prepares souls for it, makes them ready to receive it, and includes everything that in any way relates to the Eucharist " (cap. vii). The pow er of jurisdiction enables the bishops to " rule not only the other ministers of the Church but also the faithful, and requires them to witch over the salvation of all with the greatest care and vigilance **; it has its fullest scope in the Reman Pontiff, who, by divine right, is " father and ruler of all the faithful, and all the bishops and dignitaries w'hatsoever their duties and powers ", and who ° presides over the universal Church as the successor of Peter, as the true and legitimate Vicar of Christ our Lord " (caps, xxvi and xxviii).

1 ' 'Πιο privileges constituting the extraordinary authority possessed by the Apostles as founders of the Church, and thus related to the Church *in becoming,* were net needed in their successors, who had not the duty of founding the Church . . . The other power, that of ruling and governing the Church, concerns the *conscrratitm* of the Church, and rests on the power of order given to the Apostles. This power had to pass to their successors and to remain in the Church " (John of St. Thomas, 11-11, q. 1-7; disp. 1, a. 3, nos. 12-13; vol. VII, p. 181).

5 The ancients distinguished *[cira* pouvoir, potestas) from *potency* (puissance, potentia). St. Thomas writes: " *Power* properly designates an active *potency* with a certain pre-eminence " *(IV Sent.* dist. 24, q. I, a. I, quaest. 2, ad 3). So also Francis of Vittoria: " The word *power* has not

power of spiritual jurisdiction is authoritatively to propose to men what is needed to bring them to eternal beatitude. The task is very complex and its fulfilment demands a variety of different measures. One same power may be competent to command acts widely distinct from each other, provided only that these acts conspire together directly to the same end, or—as St. Thomas says, and it comes to the same thing—provided that these acts arc immediately ordered to one another, the first being causes of the second: as fire, for instance, brought near a metal, first heats, then expands, and then melts it.[1] Thus in the heart of one same generic power we have been able to recognize two great jurisdictions conferred by Christ on the Apostles: the one, *extraordinary,* directed to the foundation of a Church which is to last till the end of time; the other *ordinary,* directed to its conservation.

The ordinary jurisdiction itself, setting aside the secondary divisions to which it gives rise and to which canonists are obliged to have recourse, and studying only its essential function which is unceasingly to conserve and form the Church in the world, can be distinguished in several ways. Four major divisions may, I think, be proposed.

i. THE FOUR CHIEF DIVISIONS OF THE PERMANENT JURISDICTION

I. The first is "formal". It is concerned with the form or *the rôle of the jurisdictional mediation.* We sec from this standpoint that the jurisdictional power, the power to "state the law", may intervene in two ways: *a.* as at bottom a mere condition *sine qua non* to declare, recall or explain the higher decisions of the divine law; and *b.* as a true intermediary cause, itself promulgating the decisions of ecclesiastical law, and thus giving Christian society its external organization. I shall name them for short the *declaratory* power[2] and the *canonical* or *legislative* power, taking this last word in its broadest sense.[3] We shall see that the canonical or legislative power, which is

altogether the same meaning as the word *potency.* Matter, the senses, the intelligence, the will, are *potencies,* not *powers.* On the other hand, the magistracy, the priesthood, all governments are *powers* rather than *potencies.* As St. Thomas explains, power adds to potency the notion of pre-eminence, of authority " *{Refectiones Theologicae, De Potestate Ecclesiae,* cd. P. Getino, Madrid 1934, P· 7)·

1 " Ad duo, quorum unum est causa alterius, una potestas ordinatur; sicut in igne calor ad calefaciendum et dissolvendum " *{Suppi.,* q. 17, a. 2, ad 1).

3 Revealed doctrine, says the Vatican Council, " has been entrusted to the Spouse of Christ, to be faithfully guarded and infallibly *declared"* (Denz. 1800).

3 The Roman Pontiff, says the Vatican Council once more, " possesses the plenary and supreme power of jurisdiction over the universal Church, not only as regards matters of faith and morals, *but also as regards the discipline and government of the Church throughout the world"'* (Denz. 1831). This power can legislate not only in matters of discipline, but also, as Pius IX said, in matters of doctrine (Denz. 8684). That is why I prefer to call it legislative rather than disciplinary. It covers not only laws strictly so-called but also all measures of ecclesiastical polity. The power we call " canonical " or " legislative " corresponds to the u power of jurisdiction " as defined by those theologians who, following Billot, do not consider the infallible magisterium as a "jurisdictional power provided we add that this power gives laws not only in disciplinary matters, but also in doctrinal or magisterial. It covers all that St. Thomas *{IVSent.,* dist. 19, q. t, a. 1, quaest. 3; cf. *Suppl.,* q. ig, a. 3) calls, with precision, the power of *jurisdiction in the canonical forum.* He then opposes it to the power

subordinate to the declaratory' power, subdivides in its turn in several ways.

2. The second division is "material". It is concerned with *the material character of the measures prescribed by the jurisdictional power.*

a. From this point of view we may divide the jurisdictional power according as it proclaims speculative truths to be held, or practical truths to be acted on. We shall therefore distinguish the authority to propose *speculative* truth and the authority to propose *practical* truth. I must emphasise once more that these are not, properly' speaking, two distinct authorities, two distinct powers, but one and the same power, bearing on propositions to be received with the same obedience whether they be speculative or practical in tenor.[1] Nevertheless, this division, although it is simply material, will enable us to define several points concerning the constitution and formation of the message of the Church.

b. This division might be replaced by another, somewhat different. Instead of distinguishing jurisdictional decisions as "speculative" and practical, we might distinguish them as "doctrinal" and practical, using the word "practical" differently. In this sense "doctrine" covers speculative truths and practical truths (as defined above)—they are practical as ordered to action, but doctrinal (that is, speculative) by their tenor, which is general or universal; it sets out what is to be interiorly accepted both for belief and action, and includes both faith and morals.[2] Over against that the *practical* will then principally concern the exterior performance of acts demanded by life in common. Thus we shall be led to distinguish a power that is doctrinal or *magisterial,* and a power that is practical, applicatory, *disciplinary.*[3] Once more, these arc not two formally distinct powers, but one sole power which demands, at one time our adherence to decisions chiefly doctrinal, at another our performance of certain acts chiefly external. And if we may revert to the first distinction we made, we remark that even disciplinary decisions may come from the declaratory' power (such as the suspension of servile

of order, which directly opens the gates of heaven: " Alia clavis est quae non directe sc extendit ad ipsum coelum, sed mediante militante Ecclesia, per quam aliquis ad coelum vadit, dum per eam aliquis excluditur vel admittitur ad consortium Ecclesiae militantis per excommunicationem et absolutionem [ab excommunicatione]; et haec vocatur *clazis jurisdictionis in foro causarum;* et ideo hanc etiam non sacerdotes habere possunt . . . non proprie dicitur clavis coeli, sed quaedam dispositio ad ipsum."

[1] rhcologians remark that *finit/* knowledge divides in the first place into speculative and practical, but that *infinite* knowledge, which studies things only in so far as they are known by divine rex-elation (immediate or mediate), is above the division into speculative and practical (Gajetan, *in* Z, q. I, a. 4, no. iii).

[2] The Vatican Council speaks of the " *doctrine* concerning *faith* or *morals* " (Denz. 1839). So also Cardinal Gasparri in his *Catholic Catechism,* question 152: " We are bound in conscience to receive other *doctrinal deacts ccnceming faith or morals* that are issued by the Apostolic See either directly or tlirough the Roman Congregations, because of the obedience we owe to the Apostolic Sec, which in this way too exercises an authority given to it by Christ."

[3] The Vatican Council proclaims the supreme jurisdiction of the Roman Pontiff over the universal Church not only in matters of faith and morals, but also in matters concerning the discipline and government of the Church (Denz. 1827 and 1831).

work on certain days), and that even magisterial decisions may come from the canonical power (such as the doctrinal decrees of the Roman Congregations).[1]

3. The third division considers directly the *proximate end, and consequently the degrees, of the jurisdictional power.* From this standpoint the latter comprises, by divine ordinance, two degrees: the sovereign pontificate and the subordinated episcopate.[2] Although it may serve to mark the degrees of the power of jurisdiction and to distinguish their respective depositaries, this division is not simply material. For the sovereign pontificate is immediately directed to the good of the universal Church, but the episcopal power to the good of a particular Church, and the totality of the episcopal powers (represented for example by the body of bishops during a vacancy of the Apostolic See) to the good of the totality of particular Churches. Now the good of the whole is something other than a particular good or the whole sum of particular goods. It differs from these specifically, since the whole is not simply the sum of its parts, but the sum of its parts *plus an order.* The sovereign pontificate with its plenary jurisdiction is therefore specifically distinct from the episcopate with its partial jurisdiction. Here we have really two powers, the second being subordinate to the first.

4. Finally there is a fourth way—"accidental" but very important—of dividing the jurisdictional power. Directly, essentially, this division concerns *the quality of the assistance promised by God to the jurisdictional authority.* But indirectly, by way of consequence, it enables us to classify the jurisdictional power itself. From this standpoint, according to the way in which it is assisted in exercise, the jurisdiction will be called absolutely infallible, or prudentially infallible, or fallible (though not without a real assistance).

The kind of adhesion, the kind of obedience, which we owe to the jurisdictional power and its decisions—the theological obedience of faith due to the divine (and uncreated) Authority, or the moral obedience of piety' due to the ecclesiastical (and created) authority[35]—will depend on whether the rôle of the jurisdictional intervention is purely declaratory or genuinely mediatory'; and on the respective degrees of their infallibility.

I have tried to characterize the principles which enable us to divide the permanent jurisdiction. Its great divisions, being made from widely different points of view, naturally cross and become intermingled, sometimes superposed. We must now take up the principal divisions in detail, to make them

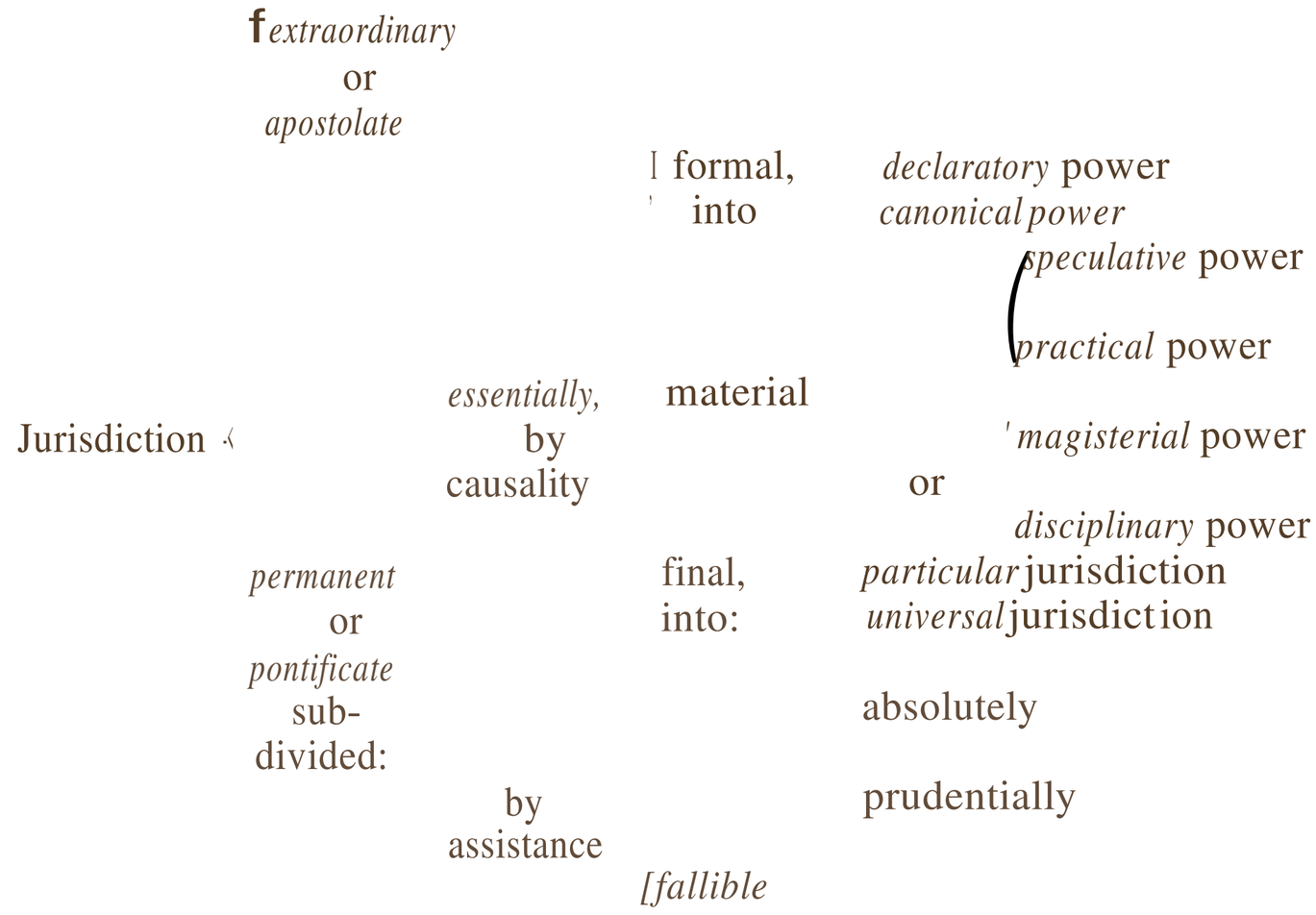
[1] Most authors content themselves with opposing a magisterial power, endowed with absolute infallibility, to a disciplinary power always without it. But, given the express declarations of the Church relating to the magisterial acts of the Roman Congregations (Denz. 1684 and 2008), the magisterial power *is not always endowed with an absolute infallibility,*

[2] *Cod. Jur. can.,* can. 108, §3.

[1] Obedience which further on we shall call " ecclesiastical faith After the Jansenist error several theologians consider that points defined by the Church as *infallible* but not as *mealed* arc the object of a special assent for which they reserve the name of " ecclesiastical faith I think, with the ancients, that these points are believed already with divine faith. However, it is not yet of faith that these points are of faith: that, for the moment, is only a theological opinion, a mode of explaining the assent we give them.

plainer, give them completion, help them throw light on each other, and illustrate them by examples. But let us first set them out in tabular form.

2. *SYNOPTIC TABLE OF THESE DIVISIONS*



The first great division of the permanent jurisdiction is therefore the division into the declaratory power and the canonical power.

II. FIRST DIVISION OF THE PERMANENT JURISDICTION: DECLARATORY POWER AND CANONICAL POWER

The first division of the permanent jurisdiction is into two powers formally distinct: that of *declaring,* disclosing, giving expression to decisions that are immediately divine; and that of *enacting,* establishing, prescribing and promulgating decisions that are immediately ecclesiastical. The former power is the higher. The latter power, implied in the former as an effect is implied in its cause, exists only to sene it, and, in a way, to prolong it.

r. *THE DECLARATORY POWER*

A. The Rôle of the Declaratory Power

If God Himself should deign to speak to us directly, the cause, basis and end of our acceptance of and assent to His word would be nothing less than

of our assent, may avail Himself of a created means, for example His Church, to show us what arc the tilings, what are the truths, to which He would have us assent. The power thus given the Church will not then be the cause, basis and end of our assent, but only its condition *sine qua non;* for without it we should not know to what propositions to give this assent which has God for Cause, Basis and End.

That, then, is the function of the declaratory power—to determine what pronouncements are to be received on the immediate authority of God. It does not interpose between God and ourselves as an intermediary or instrumental *cause;* it intervenes as a simple *condition* needed to put us in touch with the divine word.

Must we then conclude that it is not a jurisdictional power? On the contrary, the declaratory power is the jurisdictional power in its highest, purest and most divine rôle. It binds, since it determines what is to be received on the authority of God; and it looses, since it is competent to announce, for instance, the cessation of the ceremonial precepts of the Old Law'. It defines with authority the limits of the divine forum. It is competent to designate certain acts, w'hcther interior or exterior, as required of men.

The declaratory power is evidently ministerial.[1] But, as it intervenes only to propose truths that come immediately from God, and its rôle is that of a pure *condition sine qua non.* Strictly speaking therefore, its rôle is not *instrumental;* we should not confuse it with the strictly instrumental power of order, with the sacerdotal character, w'hich enables the priest to remit sins in the sacrament of Penance. To express the same thing from another point of view, and to compare the immediate contact set up between the soul and God in the act of divine faith, and the immediate contact set up between the soul and God in the reception of the sacraments, we say that in the first case the contact is immediate with a "suppositaI" immediacy: for then the Church intervenes in no way, even instrumentally, as the *basis* of the assent of faith, but only to *designate* w'hat is to be held as of faith; whereas the contact of the soul with God through the power of order and the sacraments, which act as instruments, that is as intermediary *supposita,* can be immediate only with a "virtual" immediacy.[2]

B. The Declaratory Power the Highest Manifestation of the Permanent Jurisdiction

The office of the declaratory power is infallibly to propose the content of the Christian revelation to the world. Its rôle is not, as we have just said, to provide, even instrumentally, a basis for the assent of divine faith; but to *make this assent possible* by defining what is to be held with divine faith. For two aspects have to be distinguished in the act of faith: its basis and motive,

[1] "/Xuctoritas autem Ecclesiae est *ministra* objecti fidei" (Cajetan, *in* q. i, a. i, no. x).

[2] If I myself shift something out of its place, there is an immediacy of the subject, of the suppositum; if I displace it with a stick, there is merely an immediacy of virtue, of effort, of power.

ė. the authority of God revealing; and its condition, i.c. the authority of the Church proposing the revelation. If faith, says Cajetan, "inclines the mind to adhere to certain truths proposed, it is *because God has revealed them;* but that God has revealed this or that, in this sense or that other sense, this we believe *because the Church so teaches."*[

It is clear that the declarator)· power, the power to propose divine revelation infallibly, obliges and binds of itself. It is empowered, it has authority, to demand that its message, once sufficiently proposed, shall be believed with divine faith under pain of mortal sin against faith. It has no authority to establish the assent of faith, but it has full authority to define the statements on which this assent is under obligation to fall. Hence it is an authentic jurisdictional power.[It extends, as of right, to all men. And it can prescribe purely interior acts of faith[as well as those that arc outwardly manifested.

The declaratory power, infallibly prof ing the object of Catholic faith, is therefore to be considered as the highest form of the jurisdictional power.

[loc. cit. The First Truth, sap Cajetan, a little further on. is the very reason for believing, "ipsa ratio credendi'*; the pronouncement of the Church is the condition by which the first Truth proposes and explains to us what He is Himself, and what else is to be believed, " conditio qua Veritas prima proponit et explicat seipsam, et aha credenda." This condition is necessarily required, not to provide a basis for faith *fisre and simple,* nor yet, for example, for the faith of the first man, or of the angels before their fall, but to establish normally *cur faith,* as wc are to-day (ibid., q. 5, a. 3, no. i).

* In his treatise *De Ecclesia Christi,* Rome 1921, pp. 330-1, Billot affirms that the magisterium, strictly and formally as such, carries with it no right to demand assent. Against that wc must set the (act that to speak as a master is not merely to speak, but to speak with authority, as St. Thomas notes after Aristotle, " oportet addiscentem credere " (II-11, q. 2, a. 3). However this may be, the *diriru* magisterium, the only one we are now considering, lap an obligation of itself on all men once the revelation has been adequately proposed to them. It is not confined to " proposing, explaining, defining " the truth revealed. It proposes, explains and defines it *with authority, that is to say juris· dicticnally,* Billot does not include the magisterium under jurisdiction " quia aliud est proponere, exponere, definire veritatem revelatam, quod pertinet ad magisterium; aliud vero regere imperio actus subditorum, quod pertinet ad jurisdictionem." But to propose the revealed truth *with authority* to all men—is that anything else than " regere imperio actus subditorum "? In the *De Ecclesiae Sacramentis*, Rome 1895, vol· II, p. 398, the same author wrote: ** Ecclesia docens, non nudum exercet *magisteriam,* quantumvis infallible, sed veram *jurisdictionem doctrinalem,* vere ligando fideles ad credendum id quod in canonibus seu decretis fidei proponitur. Cum autem obligatio quae inde enascitur, non ecclesiastici juris sit, sed divini, dicendum remanet quod in hujusmodi, Ecclesia ligat ex potestati instrumentale" Consequently the faithful arc bound to believe (1) by an obligation of divine law to obey the ixifallible *raelaiion,* an obligation common to all men; (2) by an obligation of divine law to obey the *doctrinal jurisdiction* of the Church; (3) by an obligation of ecclesiastical law. Thus all jurisdictional character is refused to the infallible magisterium, but only to annex to it a " true doctrinal jurisdiction " also obliging under divine law', and this—a new difficulty—of the strictly instrumental order. Would it not be preferable to say simply that, when the Christian revelation has been sufficiently proposed to men, they are bound to believe with an assent of supernatural faith, haring for " foundation " the uncreated authority of God, and for necessary " condition " the infallible magisterium, that is to say *the created authority of the Church, bringing the object cf faith before them?* " Revelatio divina est ratio formalis objecti fidei; *auctoritas autem Ecclesiae* est ministra objecti fidei " (Cajetan, *in II-II,* q. 1, a. 1, no. x).

' Palmieri, who rightly maintains that the power of teaching is jurisdictional, draws the conclusion, not without some hesitation, that in virtue of this pow er the Church can prescribe purely interior acts: " Etiamsi habeatur ratio tantum *actus* mere *interioris* fidei, advertere licet non admodum firmum esse fundamentum cui innititur sententia negans [Ecclesiam posse praecipere talem actum] ... Cum ergo jurisdictio Ecclesiae sit altioris ordinis quam politica . . . non ridetur ad solos exteriores actus restringenda " *(De Romano Pontifice cum Prolegomena de Ecclesia,* Rome 1877, P· 158).

C. The Bipartite Division of the Powers of the Church into Sacramental and Jurisdictional Power to be Preferred to the Tripartite

In consequence, the tripartite division of the powers of the Church into the power of order, the power of magisterium, and the power ofjurisdiction, is to be rejected. We must substitute a bipartite division into a power of order and a power ofjurisdiction. Let us briefly recall here (1) the reasons that justify this bipartite division; (2) some authorities in its favour; and (3) the inconveniences of the tripartite division.

1. a. Christ, the Head of the Church, acts upon her, says St. Thomas, in two ways: by interior influx and by exterior government.[1] The first action, which communicates grace, pertains to Christ's priesthood; the second, which communicates truth, pertains to His kingship. When Christ returned to heaven He left on earth, so as to remain in contact with men, a ministerial participation of His priesthood—and that is the *sacramental* power ordained for the hidden conveyance of grace; and a ministerial participation of His kingship—and that is the *jurisdictional* power ordained for the outward proclamation of the truth, *b.* According as the jurisdiction is concerned with the founding of the Church by the Apostles, or with her conservation throughout the ages, it subdivides into *extraordinary* and *permanent* jurisdiction. These two jurisdictions act through an outward voice announcing the truth with authority, and are thereby jointly distinguished from the power of order which acts in a strictly instrumental way to communicate grace. Where is the extraordinary jurisdiction to be placed in the tripartite division? *c.* The ordinary jurisdiction is a moral power, conferred by way of *designation·,* but the power of order, and, more generally, the sacramental power, is a physical power conferred by *consecration.* St. Thomas, when he asks himself whether the schismatics still retain any power, mentions only these two powers of the Church.[2] *d.* A jurisdictional power transmits its message with authority; it is competent to bind in conscience. Now these characters are found in the magisterium. *Even when she proposes purely speculative truth the Church acts jurisdictionally,* "tamquam auctoritatem habens"; she has the right to exact obedience. She does not teach like the philosophers and the scientists. It is good to keep this constantly in mind.

2. a. If, as Boniface VIII defined at the end of the Bull *Unam Sanctam,* "Every human creature is subject to the Roman Pontiff",[3] it is not in virtue of that Pontiff's power to rule the baptized alone through ecclesiastical law; it is by reason of his power to preach the Gospel everywhere. The submission of every creature is required by the sufficiently manifested act of the magisterium itself, not by a superadded ecclesiastical power which can reach none but the baptized. The infallible magisterium of the Roman Pontiff is therefore a jurisdictional power, *b.* The Council of Florence declares that,

[1] III, q. 8, a. 6. [2] II–II, q. 39, a. 3.

in virtue of the "primacy" with which he is invested, the Roman Pontiff is the "father and *doctor* of all Christians".[1] Whence we see that the jurisdictional primacy involves the magisterial power, *c.* The same conclusion emerges from the affirmation of the Vatican Council that Peter, having received directly from Christ "the primacy of jurisdiction over the whole Church of God became by this fact, "the prince and chief of the Apostles, *the pillar of the faith, the foundation of the Catholic Church* by which last words is certainly meant the infallible magisterium. The Vatican Council declares next that "the power *of jurisdiction* of the Roman Pontiff claims the obedience of the faithful in matters not only *of faith and morals* but also discipline", and that the Roman Pontiff is the principle "of unity, whether of *faith* or of communion".[4] To give these texts their full meaning is to recognize, I think, that the function of the jurisdictional power is to define the faith itself, and to impose it primarily in virtue of divine authority, and not by any subsidiary title or by merely disciplinary measures. Finally the Council—speaking of the *"supreme power of jurisdiction* over the whole Church",[5] which a little earlier, echoing the words of the Council of Florence, it had called a *"primacy",** namely *"the primacy of jurisdiction* over the whole Church of God given by Christ to the Apostle Peter"[7]—declares that in *"this apostolic primacy"* which belongs to the Roman Pontiff as successor of Peter, "ir *also comprised the supreme power of magisterium:* "Ipso autem apostolico primatu .. . supremam quoque magisterii potestatem comprehendi, haec sancta sedes semper tenuit."[8] How could it be more clearly said that the supreme power of magisterium, with which the Council goes on to deal in detail, is itself comprised in the more general power of jurisdiction it has just dealt with? Yet Billot sees in this "quoque" an "egregia confirmatio" of the irreducibility of the magisterium to the jurisdiction! *d.* The tripartite division, it is true, is found several times, but accidentally, in the *Primum Schema Constitutionis Dogmaticae de Ecclesia Christi,* submitted for examination to the Fathers of the Vatican Council. For example, in Chapter 4 on the visibility of the Church: "Hence the visible *magisterium* by which the faith, to be interiorly believed and exteriorly professed, is publicly proposed. Hence also the visible *ministry,* wliich carries out in public the visible mysteries of God whence men receive interior sanctification, and God the worship that is due to Him. Hence the visible *government,* which orders the intercommunion of the members with each other, and directs the whole exterior and public life of the faithful in the Church." Then, in Chapter 8, on the indefectibility of the Church: "That is why the Church of Christ can never lose her properties and her gifts, her sacred *magisterium,* her *ministry,* and her *government."* However, the bipartite division appears in Chapter 10, treating expressly of the power of the Church; after a reminder that in the Church is a divinely instituted *triple* power to "sanctify, teach and govern", comes: "Butsince the

[3] ibid., 694.
[5] ibid., 1822.
[4] ibid., 1824.
* ibid., 1827.
[4] ibid., 183t.
* ibid., 1826.
* ibid., 1832.

power of the Church is *double·,* power of *order* and power of *jurisdiction . . ",* and of this last power it is said that it extends "not only to *matters offaith and morals,* but also, etc."[1] *e.* To these witnesses let us add the names of some modern theologians who remain faithful to the ancient bipartite division. D. Palmieri, S.J., writes: "The Church's authority to teach, to which corresponds the obligation on the faithful to believe what is proposed by the magisterium, is a part of the power of jurisdiction . . . it is comprised in the genus of jurisdictional power."[2] But Palmieri is perhaps responsible for many misconceptions when he proposes sufficiently to justify his thesis by explaining that to the obligation to be believed and obeyed imposed by the divine law, the magisterium can add an obligation under ecclesiastical law. F. X. Wernz, S.J., says: "The ecclesiastical power as a whole is divided into two species only, namely the power of *jurisdiction* and the power of *order.* The power of jurisdiction, taken as a genus, is divided in its turn into the power of *magisterium,* concerned with what is to be believed, and the power of *government,* concerned with what is to be done."[3] J. V. de Groot, O.P., writes: "The opinion of those who, retaining the bipartite division of the powers, put the magisterium under jurisdiction, seems to be the truer"[4]: R. M. Schultes, O.P., "The power *ofjurisdiction* divides into the power of the *magisterium* and that of commanding or *ruling* in the strict sense."[5] Père Marin-Sola, O.P., was, I may add, of the same opinion; it was he who first drew my attention to the inconveniences of the tripartite division, which I had earlier accepted. Finally, Cardinal Gasparri writes in his *Catechism* (Question 140) : "That she might attain the end for which she was founded, Christ the Lord bestowed on His Church the power of 'jurisdiction' and the power of 'order'; the power of jurisdiction includes the power of *teaching."*[6] (However, the references to the Gospel texts given in the notes seem to bring us back to the tripartite division.)[7]

3. The tripartite division, championed above all by J. B. Franzelin, S.J., who relies on Suarez, and by Billot, seems to present some notable difficulties. *a.* It leads Billot, as wc have said, to invent the notion of a doctrinal jurisdiction distinct from the infallible magisterium, and binding as of divine right, *b.* In order to distinguish the magisterium from jurisdiction, the former is first of all defined by saying that it aims at "proposing, explaining and defining the divine doctrine *infallibly"*—thus Franzelin[8] and Billot? Then it is said elsewhere that the magisterium extends over a field where

1 *Collectio Lacensis,* vol. VIT, cols. 568 and 570.
3 *De Romano Pontifice,* p. 156.
3 *Ius Decretalium,* Rome 1901, vol. III, p. 5.
4 *Summa Apologetica de Ecclesia,* Ratisbon 1906, p. 389.
5 *De Ecclesia Catholica,* Paris 1925, p. 334.
4 English ed., London 1936. p. 101.
' More recently, Père J. H. Nicolas *{Revue Thomiste,* 1946, p. 425) has shown a preference for the bipartite division.
• *De Ecclesia Christi,* Rome 1887, p. 60.
' loc. cit., p. 334.

there is no longer any question of *infallible* authority, of divine faith, but simply of "an authority of a doctrinal providence".[1] But how do these authors distinguish this last "magisterial" domain, in which the Church speaks on its own responsibility, from the domain that they call "jurisdictional"? *c.* Finally, after distinguishing the powers of *order,* of the *divine magisterium,* and of *jurisdiction* from each other, and declaring this last to be the domain of the purely ecclesiastical forum, they seem to upset everything by admitting the existence, as Billot does, of an "instrumental" *jurisdiction,* exercised in the full *divine* forum, to which is to be attributed even the *sacramental* power of absolving from sin.[s]

There exists, it is true, a tripartite division to which we shall often refer. It is based on Scripture, in which Christ is set forth as the principle or source of the *priesthood, of grace,* and of *truth.* But that is not a simple division of the hierarchic powers. It is a division by the three formalities under which Christ, Priest, Saviour, and King, gives Himself in the Church; whence results in her created soul, and so throughout her being, a triple incorporation into Christ, by the sacramental *characters,* by the sacramental *graces,* and by jurisdictional *truth.*

D. The Field of the Declaratory Power: "Infallible Truths" and "Dognl·vtic Facts"

Does the Church use her declaratory power only when she proposes truths of Catholic faith", that is truths she defines as "revealed", as to be held by "divine faith"? I think not. She makes use of it also, in my opinion, when she teaches "infallible truths", that is propositions defined *infallibly,* yet not expressly defined as *revealed',* and also what arc called in theology "dogmatic facts".

The question of the real and objective inclusion in the revealed deposit of these "infallible truths" and "dogmatic facts" will be considered further on; and we shall see that they pertain to the declaratory and not to the canonical power. For the moment it will be enough to remark that a message proposed with a divine and absolute infallibility puts us in contact with the very authority of God Himself, before which all other authority is effaced and can do no more than manifest or declare His intentions. If, as St. Thomas says, the created witnesses are infallible only when they are rectified by the uncreated Truth, and, consequently, only when they no longer put before us a created testimony, but the very testimony of God Himself who speaks,[3] it must be held that all the infallible definitions of the Church arc

[1] See Franzelin, *De Di:ina Tradilime et Scriptura,* Rome 1875, P· I20> Billot, loc. cit., P· 429· .

[2] loc. du, pp. 458-460. On the " instrumental " jurisdiction, sec below, p. J70.

[3] "Omnis creata ventas defectibilis est, nisi quatenus per Veritatem increatam rectificatur. Unde, neque hominis neque angeli testimonio assentire, infallibilitcr in veritatem duceret, nisi quantum, in eis, *l&jueniis Dei testimonium* consideratur*' (Dr *Veritate,* q. 14, a. 8). It is the first argu-

acts of hcr declaratory power and manifest to us decisions that are immediately divine.

E. Some of its Other Applications

It remains to clear up a rather delicate point.

Certain interventions of the jurisdictional power of the Church in the divine forum, even indeed in the sacramental forum, interventions whose existence is admitted by all theologians but whose justification is not altogether easy, seem to me to be more readily explained as soon as we agree to consider them as acts of the declaratory power. I refer to the dispensations sometimes granted by the Church from the divine obligations arising from an oath, from a vow, from a consummated non-sacramental marriage, and from a non-consummated sacramental marriage.

Let us recall first, after St. Thomas, that the precepts of the Decalogue admit of no dispensation.[1] Nobody disputes it as regards the precepts of the first table, concerned with our duties to God. But Scotus, in view of the command to Abraham to immolate his son, disputes it for the precepts of the second table, concerned with our duties to our neighbour. Let us say nevertheless with St. Thomas and Cajetan that the precepts of the second table in themselves, and as regards the *obligations to justice* they contain, can by no means be dispensed: the slaying of an innocent person, theft, adultery are always forbidden. God however, who is Creator, can dispense from a precept in a certain respect, or, more precisely, can so completely transform the *matter* of the precept that the act which previously was sinful, now embracing new moral matter, ceases to be so. The treasures of the Egyptians belong to God; He can take them away without a shadow of injustice, and (that at least is the explanation given by the ancients) order the Israelites to do so in His name. Isaac's fife is God's; He can decide to cut it short

ment propounded by P. Marin-Sola in his book *L'évolution homogène du dogme catholique,* vol. I, to show that M ecclesiastical faith "—if by that we understand, as do most modem theologians, adhesion to truths defined by the Church as *infallible,* but not defined as *revealed*—is, in reality, " of the same species as divine faith in the articles of faith " (p. 423), that " ecclesiastical faith is a divine faith and neitlier human nor intermediary " (p. 422), that " the object assigned in our days to ecclesiastical faith can be wholly defined as of divine faith"[1] (p. 401). Since ecclesiastical faith, thus understood, embraces truths which " without being formally contained in the revealed deposit arc nevertheless in necessary *connection* with it, or *indispensable* to its preservation "[1] (p. 403), P. Marin-Sola would not have us imagine that " *connected with* and *relative to* the deposit mean *outside* the deposit, something that is no part of it, which is alien to it, though necessary for its conservation " (p. 439). He explains that " the object of the Church's infallibility is not the revelation *and other things not revealed,* but the revelation and its related trudis—related truths which the Church neitlier creates nor invents, but discovers and defines. They were already in the revealed deposit, as St. Thomas indicates by giving them the classic name of *revelabilia,* things *discoverable* in the primitive deposit." But it has been remarked that the meaning of *revelabilia* in I, q. 1, a. 3, is somewhat different from that taken by Gardeil and Marin-Sola, following numerous ancient commentators: *" Revelabile* means knowable by revelation, just as *intelligibile* or *sensibile* means knowable by intelligence or sense" (cf. M. R. Gagnebet, O.P., "Un essai sur le problème théologique", *Rerue Thomiste,* 1939, no. i, p. 137).

[1] I–II, q. 100, a. 8.

when it pleases Him without shadow of sin or homicide, in all justice, inasmuch as death is the wages of the first sin; and He can make Abraham the instrument of His most holy will. Spouses arc His; He can withdraw one of them from the conjugal bond by death, or by a will such as that which He showed to Osec (according to St. Thomas' interpretation) enjoining him to espouse an adulteress.[1] What then shall we conclude? In none of these cases was the divinely-given precept abolished; but a divine pronouncement, made by way of a particular revelation, indicated that God withdrew from the operation of the precept some determinate matter which it had previously covered? And, without doubt, these biblical incidents are unique events in the world's history. But the way in which the theologians have justified them enables one, I believe, to explain how, in a domain restricted in advance, the Church in her turn can relieve her children of certain obligations under the divine law.

For obligations under the divine law arise in two distinct domains. "The first flow immediately from the divine law, *prior* to every' determination of the human will. They lie, without the slightest doubt, wholly outside the jurisdiction of the Church. They belong to the very framework of the Kingdom of God, which the Church, of course, has no mission to dissolve. But there are other obligations which, although contracted in virtue of the divine law, bear on us only *as a result* of some act of our own human will, such as those that arise from an oath, from a vow, from a sacred contract. These are susceptible of dispensation; since it is quite appropriate to provide a remedy for the insufficiencies of human deliberation, which is neither able to weigh everything nor to foresee all the circumstances in which a spontaneously and freely accepted obligation may be opposed to a greater good."[3] There then we have the proper field for the interventions of the Church.

How are they to be justified? Must we fall back on the notion of a strictly instrumental jurisdictional power?[4] Let us rather try to apply here the

[1] St. Thomas, **I-II,** q. too. a. 8, ad 3, and comm, of Cajetan; cf. **I-II,** q. 94, a. 5, ad 2. St-Thomas explains Peter's punishment of Ananias and Sapphira in a similar way: " Petrus autem non propria auctoritate vel manu Ananiam et Sapphiram interfecit, sed magis divinam sententiam de eorum morte promulgavit ' (**II–II,** q. 64, a. 4, ad 1).

[1] Similarly we might say that the law of nature that forbids the dead to come to life again does not cease to be true even when God, acting with a higher power, effects the resurrection of a dead man.

[3] L. Billot, S. J., *Dt Ecclesia Christi,* p. 459. A superior who dispenses, says St- Thomas, " determinat id quod cadebat sub obligatione deliberationis humanae, quae non potuit omnia circumspicere " (**II-II,** q. 88, a. to, ad 2).

[4] Then we should have to recognize, as many contemporary' theologians do, two jurisdictional powers: one that belongs properly to the Church and is limited to the ecclesiastical or canonical forum, and one that is instrumental and extends to the divine forum. That presents several difficulties. (1) To be strictly instrumental is characteristic of the power of order; the power of jurisdiction acts, on the contrary, by way of outward proposition, now as a pure condition, now as a true intermediary cause. R. M. Schultes, O.P., who refers us to van Noort, writes: " Potestas ordinis est *pure et stricU instrumentalist* potestas jurisdictionis, licet sit originis divinae et supematuralis, *non est mere instrumentons sed zero modo principalis " (De Ecclesia Catholica,* p. 334). (2) If, in the sacrament of Penance, the sentence of the priest acts instrumentally to remit sin. that is precisely because it is an act of the power of order: 0 oportet igitur, " says St- Thomas, " quod *potestas ordinis se extendat*

solution given by the ancients to the problems mentioned above. The Church, properly speaking, never intervenes to suspend the divine obligation itself. It docs so only to declare with authority that, by reason of a just and duly proportionate cause, God Himself decides to withdraw such and such a determinate matter from the divine obligation. But here the declaration is no longer made by way of a particular revelation. Neither is it made, as in the case of the Pauline privilege, by way of a public revelation set forth in the canonical Scriptures. It is made by way of the jurisdictional power of the Church, authentically pronouncing that the matter of such and such a vow or such and such an oath is no longer approved by God,[1] that such and such a person, bound by a possibly consummated but non-sacramental marriage, or a non-consummated sacramental marriage, is now released therefrom.

God alone therefore can release from an obligation incurred in virtue of the divine law. He never docs so by abolishing the sacrosanct prescriptions of the divine law; He simply withdraws particular persons from the bonds they have contracted in the divine forum by act of their own will, on condition that these bonds have not, of their very nature, become inseparable from these persons, as happens in the case of a consummated sacramental marriage. But how should we ever know that God had decided to release men from their divine obligations if He did not declare it Himself? It is precisely the function of the jurisdictional power of the Church to manifest authoritatively these divine decisions. It is not, as the sacramental power is, "instrumental"; it is "declaratory".

The mission of the declaratory power, infallibly assisted, is to bind or loose men by authoritatively proposing decisions that are immediately divine. The particular power of loosing by authentically declaring that in certain circumstances God releases someone from the obligations of a vow, of a non-sacramental consummated marriage,[2] or of a sacramental non-

ad remissionem peccatorum per dispensationem illorum sacramentorum quae ordinantur ad peccati remissionem: cujusmodi sunt baptismus et poenitentia" *(IV Contra Gtnles,* cap. Ixxiv). (3) The Church intervenes in the divine forum by the exercise of the infallible magisterium. That is certainly a jurisdictional power. But it is not instrumental. For faith is grounded immediately, with a *supposilal* immediacy, on the divine authority itself. Further, if the magisterium needs to be safeguarded against error by the divine assistance, that is precisely because it is not an instrumental power. (4) It is useless to superimpose on the infallible magisterium, as Billot does *(De Ecclesiae Sacramentis,* vol. II, p. 398), " a true doctrinal jurisdiction " of an " *instrumental"* character whereby the teaching Church would add to the divine obligation to believe the revelation, a second obligation under *divine* law (cf. Excursus IV, " Is There an Instrumental Jurisdiction? " below, p. 170).

1 " Auctoritate superioris dispensantis fit ut hoc quod continebatur sub voto non contineatur, inquantum determinatur in hoc casu hoc non esse congruam materiam voti. Et ideo cum praelatus Ecclesiae dispensat in voto, non dispensat in praecepto juris naturalis, vel divini; sed determinat id quod cadebat sub obligatione deliberationis humanae, quae non potuit omnia circumspicere " (Sl Thomas, II-II, q. 88, a. 10, ad 2).

1 Λ case of dissolution of a consummated non-sacramental marriage is provided for in the scriptural revelation itself, God declaring, not simply through an infallibly assisted jurisdictional power, but by the voice of the divinely inspired r\postle St. Paul, that a marriage between pagans can be dissolved when, one of the spouses being converted to the faith, die other refuses to cohabit according to the law of the Gospel (1 Cor. vii. 12-16).

consummated marriage, is part of the general declaratory power. The Church is infallible in claiming this *power* and in determining the general conditions for its valid exercise.[1] Since however its *exercise* can bear only on particular facts which cannot involve the fate of the universal Church, it is never infallibly guaranteed. The other acts of the declaratory power, resulting in the definition of such and such a truth or dogmatic fact, are always infallible; but the acts of the special power to loose from a vow or a marriage can always be invalidated by defect of some requisite condition.[1]

EXCURSUS IV

IS THERE AN INSTRUMENTAL JURISDICTION?

Many contemporary theologians and canonists, following Billot, recognize two jurisdictions in the Church: a jurisdiction of the *proper* forum, having its complete and perfect existence in the Church, and used by her as a principal cause to bind and to loose; and a jurisdiction of the *internal* forum, having its complete being in God and exercised by the Church only as an instrument *{De Ecclesia Christi,* 1921, p. 451). As against this appeal to an "instrumental" jurisdiction—which others call "vicarious'*—let us pass briefly in review some particularly delicate problems concerning the sacramental forum and the jurisdictional forum. In each case, as it seems to me, the Church intervenes not in any strictly *instrumental* manner, but much rather (whether she merely "declares" some directly divine decision, or "promulgates" some directly ecclesiastical measure) as *supplying the conditions* under which the divine interventions can ultimately proceed.

1: Determinations bearing on the essence of certain sacraments. Christ instituted all the sacraments immediately; some, namely Baptism and the Eucharist, in all their details; others—such at least is the opinion of many theologians—by giving the Church power to determine what matter and form should be valid. It was thus, according to the Council of Florence (Denz. 698 and 701), that, in the sacrament of Confirmation, the imposition of hands was replaced, in East and West, by the application of chrism; and that, in the sacrament of Order, the imposition of hands was replaced, in the West, by the tradition of the instruments (cf. P. Galtier, S.J., *Diet, de thiol, cath.,* art. "Imposition des mains", cols. 1386 and 1410). Thus again may be explained the fact that in the Middle Ages the indicative formula of the sacrament of Penance replaced the deprecatory (cf. A. Vacant, *Diet, de thiol, cath.,* art. Absolution", cols. 247 and 252). Can then the Church make or change the sacraments?

No: it is clear enough that in making the aforesaid determinations the Church's whole action amounted to choosing, among the various means suitable for signifying a sacramental grace, that one of those means which Christ would

[1] The Council of Trent defines that non-consummatcd sacramental marriage is dissolved by solemn religious profession: " Si quis dixerit, matrimonium ratum, non consummatum, per solemnem religionis professionem alterius conjugum non dirimi, anathema sit " (Denz. 976).

[1] Thus if oaten breads are inadvertently mixed with wheaten, an act of consecration would be void of effect.

henceforth use. She intervened in a lateral manner, as *conditioning,* but not as efficient *cause;* she is *mera conditio qua posita suum sortitur effectum institutio divina,* as Billot himself here admirably puts it *{De Ecclesia Sacramentis,* 1915, vol. I, p. 37). Here therefore is no jurisdiction equivalent or superior to the power of order, but a jurisdiction at the service of the power of order. As for the "power of excellence", that is to say the power of instituting sacraments and conferring grace, that belongs to none but Christ, who communicated it neither to the Apostles nor to the Church (St. Thomas, III, q. 64, a. 4; *Suppl.,* q. 17, a. 1, q. 19, a. 2).

2: Penance. Here we come to the most difficult point. Two things are to be carefully distinguished: *a.* the power of absolving, conferred by way of consecration; *b.* the conditions of its valid exercise, conferred by way of investiture.

a. By giving the Apostles and their successors the power of retaining or remitting sins (John xx. 22) Jesus gave them simultaneously the power to *appreciate* in each particular ease whether to remit or to retain, and the power to *pass a sentence* not only signifying but also effecting the remission of sins. Priests, said the Council of Trent, arc "as authorities and judges to whom all mortal sins are to be submitted ' (Denz. 899). Their power, called the power of the keys, involves therefore two acts: that of *taking cognisance* of the sin (key of knowledge), and that of *passing sentence* (key of power) (cf. St. Thomas, *IV Con. Gen.,* cap. Ixxii; *Suppl.,* q. 17, a. 3). There we certainly have a judicial power, "potestas judiciaria" (St. Thomas); "actus judicialis" *{Council of Trent,* Denz. 919). But an altogether exceptional judicial power. First of all because conferred by way of consecration, like the power of order *{Suppl.,* q. 17, a. 2, ad 2), and not by way of simple investiture, like the power of jurisdiction; in fact it *is* the power of order and, as such, distinct from that of jurisdiction—"The character [sacerdotal], the power of consecrating, and the power of the keys [in the sacrament of penance]," say's St. Thomas, "are essentially one same and sole reality; they are distinguishable from each other only by a distinction of reason" *{Suppl.,* q. 17, a. 2, ad 1). Next because the judicial act, in Penance, not only signifies but also effects the remission of sins—" the words of the priest operate instrumentally' in this sacrament by the divine virtue, as in the other sacraments, " says St. Thomas (III, q. 74,a. 3, ad 3). The act of remitting or retaining sins is therefore *a sacramental sentence,* that is to say *a sacrament having a sentential or judicial form* (whereas the form is deprecatory in Extreme Unction and imperative in Holy Order). A "sacramental sentence"—is not that precisely the instrumental jurisdiction we have hitherto looked for in vain? And in fact it is, in my opinion, the one case of instrumental jurisdiction we shall have to retain. *But a jurisdiction having this peculiarity : that it brings us out of the field of the jurisdictional power into that of the power of order :* ("Sacramentalis absolutionis principium," says Cajctan, "non est potestas jurisdictionis, sed potestas ordinis" *{Quaestio de Ministro sacramenti Poenitentiae,* edit, leonina, vol. XII, p. 358, no. iii). There are but two powers, the sacramental power which adopts a form, whether it be indicative or deprecatory', or imperative, or sentential and judicial; and the jurisdictional power, declaratory' or canonical, which is proper to the Church. The power of absolving from sin is a jurisdictional power *of order,* wholly distinct from the jurisdictional power *of jurisdiction.*

b. But from the fact that its form is judicial, the *sacrament* of Penance requires the intervention of the *canonical* jurisdictional power by its very nature and

necessarily, thinks St. Thomas *(Supply* q. 8, a. 4). The Council of Trent seems to say likewise: "Since it is of the very nature of an act ofjudgment that the sentence can bear only on subjects", the Church has always considered that absolution given by a priest not jurisdictionally approved is invalid (Denz. 903). For since in the case of Penance the sacramental power takes on a judicial form, and since it would be impossible to exercise a judicial power on those in no way designated as its subjects, it is required by *divine* law, and by the very nature of Penance, that an *ecclesiastical* jurisdiction should intervene to designate the subjects on whom the priest's sacramental power of absolving is to take effect. In other words, the confession is to be made, not to any priest whatever, but to a priest who has been "approved". And without that, every absolution would be invalid for lack of valid matter on which to take effect; in the same manner, says St. Thomas, as a consecration uttered over anv other than wheaten bread would be invalid. This is St. Thomas' constant doctrine; for example, "Omnis potestas spiritualis datur cum aliqua consecratione. Et ideo *clavis* cum ordine datur; sed *exeeutio* clavis indiget materia debita, quae est plebs subdita per jurisdictionem; et ideo, antequam sacerdos jurisdictionem habeat, habet *claves* sed non habet *actum* clavium. Et quia clavis per actum definitur, ideo in definitione clavis ponitur aliquid ad jurisdictionem [ecclesiasticam] pertinens" *(Supply* q. 17, a. 2, ad 2). So also Cajetan at the place cited previously: "Sacramentalis absolutionis *principium* non est potestas jurisdictionis, sed potestas ordinis: potestas autem jurisdictionis *concurrit* quoad hoc solum quod/na/ *de peccatore subditum,* vel simpliciter, vel quoad talia peccata."

It may be objected that the Pope, who possesses the sovereign jurisdiction, cannot therefore be the subject of a sacramental absolution. The answer is simple: the sacramental absolution, which depends on the *power of order,* has for valid matter a sinner entitled to it by the *power of jurisdiction* possessed either sovereignly, and there we have the case of the Pope, or by way of participation, and there wc have the case of the rest of the faithfiil. It is really on the penitent, not on the priest, that the power ofjurisdiction bestows a favour, confers a right: the favour, the right, to be absolved by such and such a priest.

Here once more therefore, in the case of Penance, which seems to have been so needlessly confused, the ecclesiastical jurisdiction intervenes as a mere indispensable condition, and on the plane of material causality. It is at the sendee of the power of order.

(3) Confirmation and Order. The bishop is the only minister of the sacraments of Confirmation and of Holy Orders. Nevertheless a simple priest, duly invested by the Church, can confer Confirmation and certain degrees of Order. Docs it not seem here that investiture by the Church intervenes in the field of the sacramental power?

With John of St. Thomas (III, q. 63; disp. 25, a. 2, no. 98; vol. IX, p. 345) we may reply: Every priest has, as a priest, the physical sacramental power to confer Confirmation and certain Orders. But this sacramental power can be inhibited as to its valid exercise by ecclesiastical jurisdiction; not in the case of bishops, because bishops, even if schismatic or heretical, can always validly exercise it under divine law; but in the case of simple priests. This generù inhibition of the sacramental power of simple priests as regards the conferring of Confirmation and certain Orders, acts in the manner of an impeding *condition* which remains, as in the preceding cases, on the plane of *material* causality. The

jurisdictional act by which it is loosed in favour of such and such a priest in no wise therefore encroaches on the field of the sacramental power.

(4) Matrimony. This gives rise to several problems. How are we to explain, in the first place, the Church's power to fix the conditions of validity of marriages between the baptized? It must be said that God has empowered His Church to determine in the last resort the general aptitude of the baptized to contract a valid marriage. In die exercise of this right the Church intervenes—only in the order of dispositive or material causality.

How arc we to explain the fact that the Church can dissolve a non-sacramcntal marriage even if consummated, and a non-consummated sacramental marriage?

Marriage is essentially a mutual donation and acceptance between spouses. Considered in itself and relatively to its ends this engagement, made for life and ordered to the whole work of bringing up children, is, in itself, indissoluble, that is to say it contains no *internal* cause of dissolution. That does not mean that it will be preserved from every *exterior* cause of dissolution; death, for example, will eventually undo it. To say that an angel is immortal is to say that in his essence there is no interior principle tending to disagregation; it does not mean that he is necessarily guaranteed against annihilation from without; absolutely speaking, God could suspend the influx by which He keeps the angels in existence. Likewise, though marriage is in its essence indissoluble, it is not guaranteed against annulment from without. But in the case of a consummated sacramental marriage, God, as we know by divine faith, definitively refuses to dissolve it otherwise than by death. The consummation, properly speaking, in no way touches the *essence* of sacramental marriage; it leaves it as it is, not even strengthening the bond. But it shuts the door against every attempt to dissolve the marriage from without. Why? Because God has so decreed. And this will of His, to start with, is clearly set out in Scripture and the primitive tradition, the full meaning of which has been brought down to us by the Church. But this will of God's is signified to us in another way. If, in sacramental marriage, the mutual donation and acceptance of the spouses signifies the "moral" union of Christ with our souls, a union which though meant to be indissoluble, is nevertheless liable to dissolution by the weakness of our wills, the consummation of the marriage signifies the "physical" union of the Word with human nature, which this time is so firmly sealed that it will remain undissolved for ever. This doctrine is that of the Fathers and Doctors of the Church. Thus therefore marriage is always indissoluble in its essence. In one case, that of consummated sacramental marriage, it is furthermore indissoluble by any action from without. In the other cases it is not exempt from such action. But since the sacramental bond is one of divine law it must be held that God alone could intervene to dissolve it.

He can declare His will either *directly* by an immediate revelation like that made to Oscc (if, at least, we adopt the old exegesis); or *mediately*, through a human intermediary. Thus a divinely inspired declaration of St. Paul's notifies us that a baptized spouse can break with a pagan partner who refuses to cohabit (1 Cor. vii. 12-13); and similarly the *infallibly assisted* declarations of the Church teach us that in other circumstances a consummated non-sacraraental marriage and a non-consummated sacramental marriage can be dissolved. In these last cases the Church merely declares with authority that by God's intervention such a marriage (not being a consummated sacramental one) is dissolved. Her part is purely "declaratory"—the declaration acting as a necessary condition.

Theologians who reject this explanation affirm that the Church, besides the ecclesiastical jurisdiction that she exercises as properly her own, possesses a jurisdiction that she exercises as an instrumental cause, and in virtue of which she authoritatively looses the obligations of divine law resulting from marriage. To support their thesis they recall that when she teaches the truths of the faith the Church is already acting as an instrumental cause to bind and oblige consciences. But in proposing the truths of the faith the Church does not, strictly speaking, act as an *instrumental* cause to bind consciences; she simply *declares,* with authority, the revealed message—a message which we receive not on the authority of the Church, but on the immediate authority of God revealing, the formal object of theological faith.

(5) Indulgences. The problem of the distinction between proper and instrumental jurisdiction arises again in connection with indulgences. They remit the temporal punishment due to sin, not merely in the ecclesiastical forum but in the divine. All theologians agree that this is not in virtue of the sacramental power. There remains the jurisdictional power. Is it done then in virtue of an instrumental jurisdiction?

Jurisdiction cannot loose from the temporal punishment of sin as it looses from excommunication, from suspension, from interdict. A Parisian theologian, a disciple of Scotus, François Mairon (f 1325), fell into confusion upon this. Cajetan {*Quaestiones de Thesauro Indulgentiarum,* Quaesitum Primum, nos. II and III, edit, leonina, vol. XII, p. 359) replied that the forum of exterior ecclesiastical jurisdiction, to which pertain excommunication, suspension and interdict, must not be confused with the divine forum, to which pertains the temporal punishment of sin; and that if the Pope has power to loose all things in heaven and earth, it does not follow that he can loose them all in one sole manner only: in exterior matters he looses by simple ordinance, *solo jussu;* in interior matters he looses sacramentally if it is a question of sin (as to guilt and as to punishment) ; and also by way of interchangeability, of dispensation, drawing on the treasury of the satisfactions of Christ and His saints, if it a question of the merely temporal punishment of sins already forgiven. Mairon, like Luther later on, if for quite other reasons, arrived at the same result: they both ignored the existence of a treasury of satisfactions left by Christ to the Church Militant (Denz. 550, 757, ïMü·

When the Pope grants an indulgence releasing from temporal punishment it is always by way of transferability, by dispensing the treasure of the superabundant satisfactions of Christ and the saints (Denz. 551), wherein the faithful find the wherewithal to compensate for what is still lacking in their own good works. An indulgence is granted not by a *sentence (as* in excommunication) but q. 27, 2. q, 2d 3). Must *::z* appeal to an instrumental jurisdiction to explain this dispensation? We think not. What is in question here is a communication, a transference of *satisfactions,* not of *merits.* Now, as St. Thomas points out, such a transference needs only a simple designation, so that here below any one of the faithful can transfer his satisfactions to any other {*Suppl.*, q. 26, a. 1; q. 27, a. 3, ad 2). Christ and the saints have abandoned their superabundant satisfactions to the Church Militant, leaving it to her to dispense them, to apply them, that is to say to designate those to whom they are to go. It seems to us that here also this designation plays the part of a necessary condition, that it pertains to material causality, and that there is no need to

Suppose an instrumental jurisdiction. The Church, prescribing in virtue of her proper jurisdiction the good works needed to obtain the indulgence, thereby designates the subjects of the indulgence. The living, says St. Thomas, who can do these good works, receive the indulgence *directly]* the dead, who cannot submit themselves to the conditions prescribed by the Church, receive it only indirectly, by a transference to the forum of separated souls of that which we offer for them in the forum of this present life *{Supply* q. 71, a. io; a. 12, ad 3). That is why wc say that indulgences are given to the living by way of *absolution,* and to the dead by way of *suffrage* (cf. *Cod. Jur. Can.,* can. 911)«

If these explanations arc rejected it will be necessary to hold that the Church, in virtue of her jurisdiction, intervenes directly in the divine forum to apply the satisfactions of Christ in the manner of an instrumental cause. But if, without the sacrament of Penance, the Church can confer instrumentally the effect of the sacrament of Penance, wc should have to conclude that she possesses the ' power of excellence'' which, according to St. Thomas, Jesus gave neither to His Church nor even to the Apostles. Cajetan agrees that the difficulty is serious. He replies that the Church would have the power of excellence if she thus conferred the *total* effect of a sacrament, but not if she confers only a *partial* sacramental effect *(Quaest. de Thesauro Indulg.,* edit. Icon., vol. XII, quaesit, iv, nos. i and vii, pp. 362 and 363). But is it necessary to fall back on this solution?

(6) Vows. A vow, a promise made to God relating to a higher good, obliges us in virtue of the natural law; and in virtue of divine positive law too: ''If thou hast vowed anything to God, defer not to pay it; it is better not to vow than after a vow not to perform die things promised" (Eccles, v. 3-4). Yet the Church, in certain cases, dispenses from vows. Has she then, besides her proper jurisdiction, an instrumental jurisdiction exercised in God's name?

I am not thinking of the case in which the thing vowed becomes, owing to changed circumstances, manifesdy illicit. The vow, which always relates to a greater good, is then extinguished of itself. That was Jeptha's case, who, if he sinned by imprudence in making his vow, sinned by impiety in keeping it (II-II, q. 88, a. 2, ad 2).

But how explain the power of a superior to release from a vow? The answer is given by St. Thomas, II-II, q. 88.

First, on God's part, I can vow to God only what belongs to me. If I vow anything not depending on me the vow is necessarily conditional (a. 8, ad 1). It is worth nothing if contradicted by anyone entitled to dominion over me or over the thing vowed. Thus is produced an annulment or voiding of the vow *{irritatio voti).* This voiding is direct when it concerns the way in which I have disposed of myself; indirect when it concerns the object of which I have disposed. There is no difficulty so far. We may add that the Church annuls vows thus when, for example, she decides in advance that vows made under certain conditions, such as fear or immature years, are invalid.

We come to the dissolution of a vow by way of dispensation or commutation.

Some have thought that these cases are the same as the foregoing. Every vow is conditional. It is valid to the extent, and for the period, approved by the superior. The latter, even if proceeding arbitrarily, could, we will not say licitly, but at any rate validly, suspend the vow, and the inferior may then live with clear conscience. St. Thomas rejects this thesis (a. 12, ad 2).

In cases of dispensation or commutation we are concerned no longer with

conditional but with absolute vows» The circumstances moreover arc not such that it is clear to all, or to the better instructed, that they can loose the vow of themselves, as Jeptha might have done. Whenever there is total dispensation, or partial dispensation, that is to say commutation, die Church intervenes with authority to dissolve a vow that is valid and already operative. She avails herself of a jurisdictional power and not of a dominative power, as in cases of simple voiding. And because her jurisdiction was given her to edify and not to destroy, and cannot be valid cither to command sin which displeases God, or even to interdict vows that are absolute and operative, which please God, the prelate who arbitrarily, that is without just cause, releases from such vows would act not only illicitly, as above, but also invalidly (cf. a. 12, ad 2).

By what right docs the Church intervene? She has a mission, say's St. Thomas, to judge with authority as to what, in the given circumstances, is die more virtuous thing and the more agreeable to God (cf. loc. cit.). But then, to dispense with authority from a vow under the natural law or the positive divine law, should she not have an authority, at least instrumental, capable of annulling the natural or the positive divine law? No, says St. Thomas. The Church pronounces, with authority, that what has been vowed as a better good, has become, *hic et nunc.* cither bad, or useless, or opposed to greater things; and that the vow, on that account, has lost the quality that made it pleasing in God's sight (a. 10). In other words, just as, in the civil order, a dispensation is not directed against the law itself, but makes something which fell under the law cease to do so in some particular case—"cum dispensatur in aliqua lege humana, non fit ut legi humanae non obediatur . . . sed fit ut hoc quod erat lex non sit lex in hoc casu"—so, when the Church dispenses from a vow she authentically declares that what fell under the vow has ceased to do so, that what was matter suitable for a vow has ceased to be so. She lifts no hand against any precept of the natural or positive law; but she delimits, as to extension or duration, the obligation that flows from our human decision, which cannot weigh every thing since foresight is short: "Fit ut hoc quod continebatur sub voto, non contineatur, inquantum determinatur in hoc casu hoc non esse congruam materiam voti. Et ideo, cum praelatus Ecclesiae dispensat in voto, non dispensat in praecepto juris naturalis, vel divini; sed determinat id quod cadebat sub obligatione deliberationis humanae, quae non potuit omnia circumspicere'[4] (a. 10, ad 2). This delimitation, this determination, is made with authority': "In commutatione vel dispensatione votorum requiritur praelati auctoritatis, qui in persona Dei determinat quid sit Deo acceptum ' (a. 12). And it does not follow, for all that, says Billuart, that the vow was conditional: "Licet . . . conditio subintclligatur respectu *irritantis,* non tamen respectu *dispensantis*—nisi intelligas: quando subest justa causa dispensandi" *(De Voto,* dissert. 4, art. 8, §5, dico 7).

Thus then it is the thought of St. Thomas that the Church's jurisdiction intervenes here on the plane of material causality, to determine the object of the vow. The Church makes use of the power we have called "declaratory'[*]'.

As to solemn vows of religion, in whatever way interpreted, it is possible to explain, without appeal to any instrumental jurisdiction, how the Popes can dispense them; for example by an explanation of the type we have just employed. And if the solemnity of vows be regarded as pertaining to ecclesiastical law ("voti solemnitas ex sola constitutione Ecclesiae est inventa", Boniface VIII), the question is so much the easier.

Conclusions. If we are right, and have correctly understood the nature of those interventions of the Church which we have passed in review, the upshot of this note will be that it is neither necessary nor useful to appeal, as several contemporary theologians do, to the hypothesis of an "instrumental" jurisdiction_ a jurisdiction that would amount cither to the power of order or even to the "power of excellence", reserved in St. Thomas's teaching for Christ alone, to the exclusion of the Church and of the Apostles themselves. The jurisdictional power of the Church does not, in my mind, intervene as a strictly instrumental cause. It always displays an initiative, either to "declare" immediately divine decisions (dogmatic or simply infallible definitions, dispensations from vows, dissolution of certain marriages), or else to promulgate the Church's own ecclesiastical decisions, some of which may condition the production of a divine action, whether sacramental (imposing conditions of validity to sacramental marriage and conferring of Confirmation by a simple priest), or extra-sacramental (determination of the conditions of an indulgence; determination of the mode of valid election of the Sovereign Pontiff). The ultimate determination of the matter and form of certain sacraments will belong to the declaratory power.

2. *THE CANONICAL OR LEGISLATIVE POWER*

A. The Nature of the Canonical or Legislative Power

I. THE CANONICAL POWER'S DERIVATION FROM THE DECLARATORY POWER AS AN EFFECT FROM ITS CAUSE

The declaratory power acts as a *condition* manifesting a law that is immediately divine. The canonical power acts as the *basis* of a law that is immediately ecclesiastical or canonical, and only mediately divine. These two powers are clearly distinct. But they are not unrelated. The power of authoritatively "declaring" immediately divine decisions contains the power of "lawgiving", of promulgating decisions that are purely ecclesiastical or canonical, as the branch contains the leaves, as the nature of bodies contains their physical properties. It is not to be thought that Christ, who entrusted to His ministers the task of founding and perpetuating the Church, left them without the powers required for the concrete execution of this design. And if we remember that the declaratory power is truly jurisdictional, charged with the task of notifying men, not merely speculatively but authoritatively, of their duty to accept the revelation and to build up together the Body of Christ, we shall easily understand that this higher jurisdictional power needs to be completed by a lower one, competent to take all the canonical measures needed to organize and rule the faithful all over the world. It is because the Church is thus qualified to take all the measures demanded for the success of her mission among men that she can be called a juridically perfect society: "The Church" says Leo XIII, "is a society juridically perfect in its kind, *[societas est genere et jure perfecta']* because by the express will and loving-kindness of her Founder she possesses in herself and by herself all needful provision

for her existence and action . . . For Jesus Christ gave full powers to His Apostles over sacred things, together with a truc çower of making laws, as also a two-fold right ofjudging and punishing, which flows from that power ... It is to the Church that God has assigned the charge of seeing to and legislating for all that concerns religion, of teaching all nations, of spreading the Christian faith as widely as possible; in short, of administering freely and without hindrance, in accordance with her own judgment, all matters that fall within her competence."[1] And Pius VI condemned as heretical the proposition of the Synod of Pistoia, affirming that "the use the Church makes of the power received from God and exercised by the Apostles themselves to keep exterior discipline, must be regarded as an abuse of her authority."[2]

2. ITS EXTENSION AND PARTICULARIZATION OF THE VIRTUALITIES THAT GO TO FORM THE CHURCH

If the divine influx which generates and sustains the Church passes through the visible hierarchy, if it avails itself of the sacramental and jurisdictional powers, it is not in order to organise angels but to bring men together into a visible supernatural society, to incorporate them wholly into the organism of supernatural salvation. The whole Church of to-day, the Church as a *visible* society, as a *perfect,* independent, sclf-subsistent society, as a *supernatural* society, is virtually contained, as in its proximate cause, in the hierarchical powers.[3] First, in the power of order, which incorporates men in Christ at once by way of the sacramental character, a participation of the priesthood of Christ, and by way of sacramental grace, a participation of the inner sanctity of Christ. Second, in the power of jurisdiction (called for by the power of order) whose office it is to impart Christ's truth: primarily and principally by means of the *declaratory power,* divinely assisted in the strict sense; secondarily and dependently by means of the canonical or legislative power, divinely assisted also, but in a wider sense. Thus then, it is primarily by reason of the power of order and the declaratory power, not primarily by the canonical power, that the Church is built up into a visible society. But without the canonical power this visible society would never succeed in establishing itself, and would remain perpetually incomplete. The end for which this power exists is to prepare the ways whereby evangelical salvation may reach down to souls, and souls lay hold of evangelical salvation. It is divinely assisted; not, I repeat, as the declaratory power is assisted, but sufficiently to ensure that it docs not fail of its purpose. We might compare the part played in the Church by the power of order and by the declaratory power to that of the arteries in an animal body, and that of the canonical

1 Encyclical *Immortale Dei,* 1st Nov. 1885.

2 Denz. 1504.

3 The hierarchical powers arc an *extrinsic* efficient cause of the Church taken as existing in the mode common to *all* Christians; and an *intrinsic* efficient cause of the Church taken as comprehending both hierarchy and faitliful.

power, looser and more supple but none the less necessary, to that of the lesser ducts and capillary' vessels.

3- THE MANNER OF ITS REPRESENTATION IN SCRIPTURE

If the declaratory power contains the canonical as a cause contains its connatural effect, it is clear that the scriptural texts that set forth the former —e.g., Jesus' promise to give the keys to Peter, and to ratify in heaven what he should bind or loose on earth (Matt. xvi. 19), or again, the passage in which Jesus entrusts His sheep and His lambs to Peter (John xxi. 17)— must set forth the latter also, at least consequentially and by implication. So true is this that St. Matthew, having reported a phrase that is clearly indicative of the canonical power of the Church, follows it up at once with another concerning the power of the Apostles to bind and loose: when the sinner will not listen, says the Saviour, "take with thee one or two more, that in the mouth of two or three witnesses every word may stand. And if he will not hear them, tell the Church. And if he will not hear the Church, let him be to thee as the heathen and the publican.[1] Amen I say to you,[2] whatsoever you shall bind upon earth shall be bound also in heaven; and whatsoever you shall loose upon earth shall be loosed also in heaven" (Matt, xviii.

But it must be added at once that besides texts that indicate the canonical power in its cause, there are others that mention it directly. We are shown the Apostles taking all the disciplinary and prudential measures that circumstances of place and time require. At the Council of Jerusalem they decide to impose on the Christians of Antioch abstinence from things strangled (Acts xv. 29). St. Paul wishes the incestuous Corinthian to be expelled from the Church and excommunicated (1 Cor. v. 5), and those too who refuse the law of work imposed on the children of men (2 Thess. iii. 14). He regulates procedure among the Corinthians and, for prudential reasons, forbids temporal causes to be carried before pagan judges (1 Cor. vi. 1). He commands

[1] "The attitude to be taken up by the faithful towards the contumacious sinner supposes that the Church has pronounced a sentence of exclusion, the excommunication with which Jewish society was well acquainted, and which could be pronounced only by the proper authorities" (NL-J. Lagrange, O.P., *Évangile selon St, Matthieu,* 1927, p. 355).

[1] "The passage from the singular to the plural is very significant. It means at least that the power is not given to every Christian . . it is entrusted to those to whom Jesus is speaking, and if they' do not represent the faithful at large, as they do when He speaks in the singular, it is therefore given to these disciples, already invested with such great powers at the opening of their mission, and destined by that very fact to be dispensers of the authority entrusted first to Peter. Jerome therefore grasped the full meaning of the text: *Potestatem tribuit apostolis, ut sciant qui a talibus condemnantur., humanam sententiam divina sententia corroborari*" (M.-J. Lagrange, O.P., *Évangile selon saint Matthieu,* p. 355). The meaning of binding and loosing can be restricted to the sacramental power of absolution, as Lagrange restricts it here; but we may leave it its general significance applicable both to the sacramental and jurisdictional powers. Here is the passage from St. Jerome: "The revolted brother might reply in secret or think in his heart: if you reject me, I reject you; if you condemn me, I condemn you. So Jesus gives His own power to the Apostles; those they condemn will know that a divine sentence ratifies the human, that all that is bound on earth will be likewise bound in Heaven" *{Comm. in Evang. Matt.;* P.L. VII col. 131).

the Corinthian women to attend religious gatherings with covered heads (xi. 5). When he comes to Corinth in person he will put the rest in order (xi. 34). He organizes collections everywhere for the Church at Jerusalem (2 Cor. viii and ix). He fixes the age and qualifications of widows charged with a ministry in the Church (1 Tim. v. 9). He recommends the faithful to give temporal help to the elders who teach and preach (v. 17).

Similar disciplinary measures were certainly to be necessary in later ages. Hence the Scriptures do not stop at showing us the exercise of canonical powers by the Aposdes: we may see them besides being passed on to their successors. Full spiritual powers to feed the Church of God confided to them were left by Peter and Paul to the presbyters and bishops their successors, and no halting or insufficient authority to deal with those who should sow the seeds of false doctrine (1 Peter v. 2; Acts xx. 28-30). The Epistle to the Hebrews speaks of those prelates who, having been put in charge of the faithful, wiH have to render account for their souls (xiii. 17). Moreover the Churches had to take disciplinary measures even in the lifetime of the Apostles. St. Paul declares himself satisfied with the sanctions inflicted by the Church of Corinth on a certain insubordinate member, and now advises the removal of these sanctions by a second official decision (2 Cor. ii. 6-8).

4. THE WORDS "power" AND "SOCIETY" TO BE APPLIED TO THE CHURCH AND TO THE CIVIL ORDER ANALOGICALLY AND NOT UNIVOCALLY

This point is, I think, highly important. Are we to regard the Church and political society as two species of one and the same genus? Arc wc to say that it is as a visible society, and in virtue of the *generic* notion of a visible society, that the Church, like the State, possesses a legislative, judicial and coercive power: whereas it is as a supernatural society, and in virtue of the *specific* notion of a supernatural society, that she possesses the powers of order and of magisterium?[1] Or should we rather consider the Church and political society as two *analogical* realizations of the idea of society, essentially different, and having only a likeness of proportion? If it be held, as here, that the declaratory power contains the legislative, and this latter does no more than apply, so to say, the virtue of the former, it will not be possible to split up the Church so as to distinguish in her a specific aspect, supernatural and characterized by the powers of order and infallible magisterium, and a generic aspect, natural, social and visible, and characterized—like every political society—by a legislative, a judicial, and a coercive power. On the contrary, it is precisely inasmuch as she possesses the supernatural powers of order and magisterium, that the Church is social and visible. *She must be considered as an essentially supernatural society through and through, having a simple*

[1] Zigliara considers "power and society as genera; and civil and religious society, and civil and religious power as the species" *(Propaedeutica ad Sacram Theologiam,* Rome 1903, p. 390). Billot attributes the power of government to the Church inasmuch as it resembles other human societies, and the powers of order and magisterium inasmuch as it is supernatural and differs from other societies *(De Ecclesia Christi,* p. 327).

likeness of analogy and proportion to political society, not a univocal likeness, even a generic one. Because this concept of analogy is wholly absent from Joseph de Maistrc's book *Du Pape,* the great truths it contains arc unfortunately mingled with serious errors.

5. IS THE CHURCH A "SOCIETY", OR AN "INSTITUTION", ORAN "ORGANISM"?

In his book on Unity in the Church *(Die Einheit in der Kirche),* which appeared in 1825, Mochlcr wrote; "If the Church were defined as an institution [zlnj/n//] or a society *[Verein]* having the maintenance and propagation of the Christian faith for her end, only one of her aspects would have been envisaged ... If we confine ourselves to calling the Church an institution we risk giving the impression that Christ merely commanded the gathering together of His own, without caring to instil into them any interior desire for union, any need to remain united ... Who says 'institution' says 'mechanism'. But the Church is a living organism."

The followers of Khomiakov, who arc only imperfectly acquainted with Mochlcr,[1] likewise oppose the idea of the Church as an organism to that of the Church as a society or institution.

"According to our current ideas" writes G. Samarinc, in his *Préface aux oeuvres théologiques de A. S. Khomiakov,* "the Church is an institution, an institution of a unique kind it is true, a divine institution, but an institution nevertheless. This conception errs, like all our current definitions and representations of the objects of faith; without directly contradicting the truth, it remains insufficient; it brings the idea down to too mundane a level, makes it too crudely familiar. It becomes involuntarily vulgarized by proximity to a group of phenomena apparently of the same kind, but really having nothing in common with her . . . One of the imprescriptible manifestations of the Church lies in her effective possession of a doctrine; in another of her manifestations, the historical, she makes effective contact with all other institutions as an institution of a kind apart; and yet the Church is not a doctrine, she is not a system, she is not an institution. The Church is a living organism, she is the organism of truth and of love; or, more precisely, she is truth and love as organism."

"Institution" means an order freely founded, and therefore also disputable and optional; "organism" is an order given by nature, profound, necessary, but ruled by the laws of biological determinism; "society" (family, city) results at once from a natural instinct and from human effort. None of these words can be applied univocally, that is without changing its meaning, to the Church. But if we take them analogically, proportionally, we may apply them all. For the Church was indeed freely *instituted* by the Saviour;[2]

[1] Cf. A. Graticux, *A. S. Khomiakov et le mouvement Slavophile,* Paris 1939, vol. II, *Les doctrines,* p. 105, note !.

[2] "It was Christ Our Lord who instituted and formed the Church; and therefore, when we would know her nature, the first thing to do is to ask what it was that Christ wished and did" (Leo XIII, *Salii Cognitum,* 29th June 1896).

and yet her interior order is more profound and more wonderful than any work of nature. The Church is indeed an *organism,* the Body of Christ; and yet she is not subject to biological determinism; her inner order is spiritual, made up of truth, liberty and love. The Church is a society,[1] an assembly (that is the meaning of the word *Ecclesia)* ; and yet she results not from any natural instinct and human effort, but from the breath of the Holy Spirit and from a liberty transformed by grace.

Thus then, such words as power, institution, society, borrowed from human life, are not alone in needing transposition before being applied to the Church; the same is true of such words as organism, borrowed from vegetable and animal life. But precisely because the former notions lie nearer to us we arc the more inclined to take them univocally and the less careful to transpose them when speaking of the Church, whereas the notion of organism, coming from lower levels, is more or less instinctively given an analogical sense. That is what Khomiakov docs when he says that the Church is "truth and love as organism". I shall not reject this definition, but try to elucidate it and make it rather more precise.

6. THE LIMITATIONS OF THE CANONICAL POWER

The declaratory power is of the divine forum; the legislative or canonical power is of the ecclesiastical or canonical forum. The first manifests a law that is immediately divine. The second manifests a law that is mediately divine, but remains immediately human. It is subject, on this account, to a double limitation.

First, being immediately human, it will chiefly prescribe those acts which fall normally under human observation, that is to say exterior acts. When it prescribes interior acts, this will be for the most part only indirectly and by concomitance, in so far as they are necessary for the validity, honesty and morality of the aforesaid exterior acts: the ecclesiastical law for example will recall that the minister of a sacrament should intend to confer it, that the penitent should be sorry for his sins, and that those who recite the canonical Office should be trying to pray. And indeed what exterior acts should it command save those directed to the Kingdom of God, acts which therefore ought to be valid, honest and moral? For we must never forget that although the ecclesiastical law' is immediately human, it is not in the least like the law of temporal kingdoms: it is a more detailed determination of the revealed principles of a spiritual kingdom, a kingdom of grace and of truth; so that w'hcn it prescribes exterior acts it cannot but go down to their deep spiritual roots. It follows that in order vitally to determine the direction of our practical action, it wall also prescribe our adhesion to the doctrines themselves whence this action is to proceed; and that in consequence we owe an assent not merely disciplinary' and exterior, but also intellectual and interior, to the doctrinal decisions proposed to us, for instance by the Roman

[1] u The Only-begotten Son of God established on earth a society called the Church ... ** (Leo XIII, *Immortal* Dei,* ist Nov. 1885).

Congregations. The maxim *De internis non judicat praetor* is not to be applied simply as it stands to the canonical power.

Next, being immediately human, the canonical power ought to forbid, not all bad acts, but the gravest only and those that are specially hurtful to the neighbour. And similarly, it should not attempt to prescribe all good acts, but only those most needful for the common good or those again that are more within the power of the many. For every human law, even when mediately divine, is valid primarily only in the external forum, in which it would be imprudent to command all goods and forbid all evils.[1]

7. THE RELATIONS OF THE DECLARATORY AND CANONICAL POWERS

The declaratory power addresses itself to all men. The canonical power never bears on any but the baptized. On these it can lay new duties; and to what is already prescribed for them by the divine law—and directly affecting the internal forum—it can add a new canonical obligation directly bearing only on external acts. Thus Pius IX, defining the Immaculate Conception of Our Lady, an object of divine faith, invoked the *canonical* penalties provided by the law against those who should *outwardly* deny it.[1]

B. The Principal Subdivisions of the Canonical or Legislative Power

How is the canonical or legislative power to be subdivided? This too can be done from various standpoints. We may consider either the *ends* immediately envisaged, or the *stages* to be passed through before it comes down to the concrete conduct of men, or the various *matters* to be regulated, or the *degrees of its realization.* We shall have to take account of these subdivisions—or at least of the first two—in order to define the type of divine assistance promised to the canonical power.

I. THE "ends" OF THE CANONICAL POWER

The specific end of the *declaratory* power is to propose the divine revelation, the primary message of the Church, authoritatively and infallibly. The specific end of the *canonical* pow'er is to enable the Church to take all measures required to facilitate that task. How shall we hierarchize these measures *inter sei*

Let us first of all distinguish those that aim at the direct protection of the divine revelation in our own souls by securing a favourable orientation towards it in our habits of thought and action. These measures constitute what we may call the secondary message of the Church. It comprises two types of imperative: first those of universal application, such as the general

[1] L. Billot, S.J., *De Ecclesia Christi* pp. 454-457. This author ho\vc%-cr docs not sufficiently indicate that the likeness between canon law and civil law is only *analogical.*

[2] Denz. 1841.

obligation to recognize the authority of the Fathers and Doctors, the law's of the Church, the permanent provisions of her canon law and so forth; and next, imperatives of a more restricted order, relating to the application of these general laws, and to what theologians call particular facts.

But there are other measures pertaining to the legislative and organizational power of the Church which must be put, I think, into a distinct group. They are not intended, like the foregoing, for the direct protection of the revelation in men's hearts. Their end is more remote: it is rather to ensure the biological and empirical existence of the Church in the world. The Church, a spiritual and visible kingdom which, like a magnetic pole, mysteriously attracts to herself all authentic holiness on earth, but finds her full being only there where she can exercise the sacramental and jurisdictional pow'ers willed by Christ, must work to the utmost of her power to procure the temporal and political conditions that may give free play to these divine powers and provide the material and political support for her spiritual and supra-political existence. Hence a great complex of proceedings and provisions concerning her relations with political powers and with historical and cultural movements. For lack of a better term wc may call them provisions of the biological'order. Here we shall have to include all that is sometimes called—and the term can be justified—the politics of the Church, the politics of the Popes.

2. THE SUCCESSIVE "INSTANCES" OF THE CANONICAL POWER

Considered under its practical and disciplinary aspect, the power wc have called canonical, legislative, organizational, must, if it is to reach out to the concrete life of men, move through several "instances" or steps. From this standpoint it is commonly divided by theologians into, first, the *legislative* power—this term being taken strictly for the power of making laws, of promulgating enactments binding in conscience with a view to the common good; then the *judicial* power, or power of authoritatively determining the meaning of laws and of judging the conduct of those who are subject to them; and lastly the *coercive* power, or power to apply sanctions and to punish delinquents.

In his *De Romano Pontifice* (Book IV, cap. xv) St. Robert Bellarmine asks himself whether the Church can make laws, judge, and punish. Having made it clear that he is thinking of the ecclesiastical power as such (and not as having any temporal power annexed to it), and that he is considering only just laws (for unjust laws, e.g., any law compelling infants and the sick to fast in Lent, or forbidding the episcopate to the poor or to those of humble birth, are not really laws at all), he replies: "It has always been held in the Church that the bishops in their own dioceses and the Roman Pontiff in the whole Church, are true ecclesiastical princes, competent of their own authority, and without asking for the consent of the people or the advice of the priests, to make laws binding in conscience, to judge ecclesiastical causes as other judges do, and finally to punish their transgressors." The scriptural

and patristic texts which he adds in the following chapter of his work, aim at simultaneously establishing these three points; for it is important to insist that wc are here in the presence, not of three specifically distinct powers, but of three successive instances of one and the same power, for the power of lawgiving, i.e. of effectually and authoritatively directing a multitude to its proper good, must needs include those ofjudging and of punishing.[1]

Wc may easily verify the presence of this distinction in the recent documents of the magisterium. Thus, on the 28th August 1794, Pius VI condemned "as leading to a system already condemned as heretical" the fifth proposition of the Synod of Pistoia stating that the Church "has not received from God this power which, not content with advising and persuading, goes on to make laws, and then to constrain the rebellious by exterior judgments, and by salutary punishments."[2] Here we recognize the division of the Church's power into legislative, judiciary and coercive. The same three-fold division is indicated by Leo XIII in the Encyclical *Immortale Dei,* of the 1st Nov. 1885: "Jesus Christ gave to his Apostles unrestrained authority in regard to things sacred, together with the genuine and most true power of making laws, as also the twofold right ofjudging and of punishing, which flows from that power."

Although the canonical power resembles the temporal power of the State in being divided into legislative, judicial and coercive functions, it must be carefully noted that these three words are not to be taken in an identical or univocal sense in the two cases, but in a proportional and analogical sense. "The civil power," writes John of St. Thomas, "being ordered to a temporal and natural end, namely to the political good of the republic, it follows that the penalties and rewards and other means by which men are directed to their temporal end are themselves of the temporal order. The ecclesiastical power however is ordained to the supernatural end; and so also the rewards and penalties and all other means directing men to that end are spiritual and supernatural [if not in themselves, at least in their aim]. Consequently ecclesiastical penalties are always spiritual, not doubtless in the sense in which 'spiritual' is opposed to 'corporeal', but in the sense in which 'spiritual' is a synonym of the supernatural and opposed to the natural. To be supernatural, the measures taken by the Church can be just as well material as immaterial. That is why all such things as external acts involved in the administration or reception of the sacraments, benefices and ecclesiastical offices, arc spiritual and supernatural. And indeed even when the ecclesiastical power touches temporal things it is always with spiritual things in view"[3] —and because what was hitherto temporal has thus become spiritual, it now

[1] Against Montesquieu, who attributes the legislative and judicial powers to distinct juridical principles, Zigliara remarks that if it is prudent in practice to entrust the *exercise* of legislative, executive, judicial and coercive functions to different hands, that should not tempt us to overlook their essential connection {*Summa Philosophica,* Paris 1895, vol. III, *Jus Saturae,* lib. II, cap. ii, a. 5 and 6, pp. 234 and 245).

[1] Dcnz., 1505.

[1] II-II, q. 64, disp. 12, a. 1; vol. VII, p. 513.

concerns the salvation of souls.[1] And the Encyclical *Immortale Dei* forcibly distinguishes the essence of the civil power from that of the ecclesiastical power: the one looks to human interests, the other to divine; the one procures perishable goods, the other heavenly and eternal goods, pertaining to the salvation of souls; the one is temporal, the other is supernatural and spiritual.

3. THE "matters" ENVISAGED BY THE CANONICAL POWER

a. The canonical power, always spiritual by reason of its ends, may be exercised on a matter which is normally spiritual by nature, whether this matter be wholly and solely spiritual (disciplinary measures regulating the conduct of clerics, religious, laymen, the prudent administration of the sacraments and sacramentals, the practice of fasting and abstinence, the celebration of feasts and so forth), or only partially spiritual, or *mixed*[2] (effects of marriage, which are partly religious, partly civil, scholastic teaching aimed at producing both Christians and citizens).

The canonical power may also be exercised on matters usually civil, but become spiritual *hie el nunc,* by way of exception, on occasion; forbidding for example the citizens of a particular country to use their right to vote, as has recently happened?[3] Then again the Church intervenes under the special heading of defence of the altars; this is "the politics of the altar", and she herself takes the initiative in the political action or refusal of action? To this activity of the Church belongs what has been called "civic Catholic action", an extension of Catholic action, intervening in political matters to defend the "values proper to the City of God", the "authentically religious interests as determined *hie el nunc* by the Holy See and by the episcopate"?[4] Clearly we are here in the presence not of *two* powers but of a *single* spiritual

[1] The things called spiritual in speculative theology are divided by the canonists into things *spiritual (spirituale)* such as grace and the virtues, and things *annexed {spirituali annexum)*, such as rites, feasts, ecclesiastical benefices *{Codex Juris Canardci,* can. 1553, § 1, 1).

[2] The word is used by Leo XIII, who protests in this connection in the *Immortale Dei,* against the usurpation of governments: " De ipsis rebus, quae sunt *mixti juris,* per se statuunt gubernatores rei civilis arbitratu suo, in eoque genere sanctissimas Ecclesiae leges superbe contemnunt. Quare ad jurisdictionem suam trahunt matrimonia Christianorum, decernendo *etiam* de maritali vinculo, de unitate, de stabilitate conjugii."

[3] Pius IX and Leo XIII absolutely ferbade Italian Catholics to take part in the political elections.

[4] J. Maritain, *Questions de conscience,* 1938, p. 189, note 1. The author remarks that here we have the first application of the passage of the Encyclical *Pascendi* condemning the error which declares that " ever)' Catholic, because he is also a citizen, has the right and the duty, without considering the authority of the Church, without taking her wishes, counsels, commandments into account, and even despising her reprimands, to seek, the public good in whatever manner he considers best " (Denz., 2092). There is another application of the same passage which we shall deal with farther on, when the Church intervenes " solely for the formation of the moral consciences of the citizens, by reminding them of the rules of conduct they should follow'. Then we have an act of the religious authority which, in itself, is purely spiritual, leasing the initiative and practical decision, die *judicium praeticum* bearing on the political act, to the conscience of the citizens thus instructed". In the first case the intervention of the Church is the modem form of the *potestas indirecta in temporalibus, ratione peccati,* cf. infra, p. 209, n. 2.

[*] ibid. pp. 184 and 194. The expression " civic Catholic action " is here taken in its strict sense to designate not the whole sphere of Christian political action, but only the occasional entries of the spiritual into politics, cf. infra, p. 199, ru 1.

power bearing on things that arc spiritual whether ordinarily, by their very nature (if you like, "directly"), or exceptionally, on occasion (if you like, "indirectly").

Is it then pcrmissable, in order to characterize these two types of Church intervention, to avail ourselves of the well-known distinction between the "direct power" and the "indirect power"? That, I think, is bound to lead to confusion. It seems preferable to speak of a single power, concerning itself with matters which arc cither ordinarily spiritual or incidentally spiritual. The distinction between the "direct power" and the "indirect power" will then serve to characterize two kinds of interventions of the Church which I regard as formally distinct.

b. From another point of view, but always in respect of the matters on which it bears, the canonical power can be divided into a *speculative* power and a *practical* power; or, rather differently, into a *magisterial* power and a *disciplinary* power. These last divisions, which affect the entire jurisdictional power, whether declaratory or canonical, will be dealt with further on.

4. THE "DEGREES OF REALIZATION" OF THE CANONICAL POWER

On the natural plane the preceptive or legislative power is subdivided, according to the degrees of its realization, into political power, also called the power of jurisdiction, which looks to the good of the perfect community, of the city; and the economic power, also called the dominative power, which looks to the good of the imperfect community, of the family: the power of the father over his sons, of the husband over his wife, of the master over the servant.[1]

If we now transpose this division to the supernatural plane, on which all authority descends from the Sovereign Pontiff, it can be said that the canonical jurisdiction, taken in its widest sense, subdivides into, first, the *spiritual power of jurisdiction* in the strict sense, relating to the universal Church considered either in itself or in its parts, i.e., the local Churches; and then a *spiritual dominative power* representing the normal power of superiors of religious communities over their subjects.[2] Female religious superiors, who cannot receive the sacrament of Order, have no jurisdiction in the strict sense; but they have a spiritual dominative power, which is a form of jurisdiction coming from Christ, and imparted by the Sovereign Pontiff.[3]

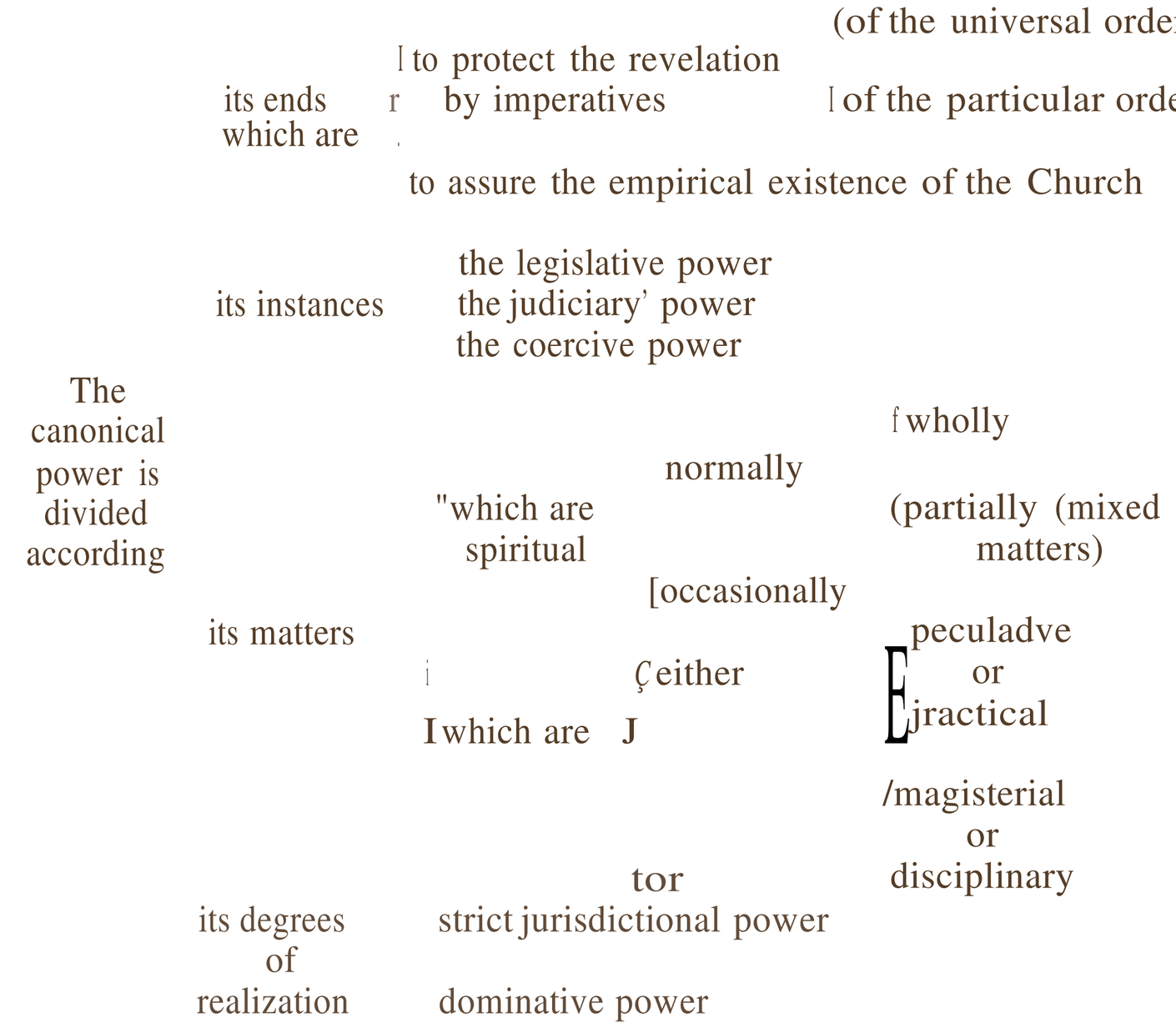
5. TABLE OF THE DIVISIONS OF THE CANONICAL POWER

The end of the declaratory power is to propose the divine revelation infallibly.

1 Suarez, *De Iλgibus,* lib. I, cap. viii, nos. 4 and 5.

5 *Cod. Jut. Can.,* can. 501, §1, cf. infra, p. 603, n. 2.

3 "Mulier non habet neque elavem ordinis nec elavem jurisdictionis. Sed mulieri committitur aliquis usus clavium, sicut habere correptionem in subditas mulieres' (St. Thomas, ir. *Seni.,* d. 19, Q. i, Quaest 3, ad 4.



Before leaving this first division of the permanent jurisdiction into the declaratory' power and the canonical power, I shall have to devote a long chapter to the study of the canonical power considered both in its relations with the temporal order and in its coercive form. The questions wc shall discuss arc important, although secondary as we shall realise if we recall the subordinate part played by the canonical power as compared with the declaratory power. Nevertheless—or perhaps partly for this reason—these are some of the most debated questions within the Church, and they excite strong feelings outside.

EXCURSUS E

THE ACCUSATION OF LEGALISM MADE BY THE ORTHODOX

(i) There is something tragic, writes Fr. Tyszkiewicz, SJ.,[1] in the attitude ° the Orthodox theology', which shows such a longing for an all-embracing charity, yet theoretically overlooks one of the indispensable factors in the realization of the full life of charity, namely a canonical organization of a divine character.

1 La théologie moehlériccnne de Vuniti et les théologiens pravoslavs," in *L'Église est une* ù *MκIύσ.* Paris 1939, p. 280.

Some light can be thrown on this question from an ecclcsiological standpoint by showing, as wc have just done, that the declaratory power, necessary for the full development of theological life, contains the canonical power as a cause contains its connatural effect; and by showing how the New Testament itself bears witness to these two jurisdictional powers, so inadequately distinguished by Orthodox theology, to which nevertheless correspond things so different as theological faith and filial obedience.

Fr. Tyszkiewicz takes up the same problem from the spiritual standpoint, by showing that charity flourishes only in the soil of obedience: "The fact is that all Christian spirituality, both Catholic and Orthodox, rests always on these three fundamental virtues: humility, as an absolutely indispensable condition for receiving God's help; charity, as the soul of all holiness; and obedience, as the sovereign means for realizing all virtues and giving them consistence, since the mere upsurge of a sterile vcllcity is no true embodiment of charity. That is why the great ascetics of primitive oriental Christianity, St. John Climacus for example *(Scale,* IV, 3, 4), already taught that wc must obey like 'a living corpse'. Obedience always played a capital part in the lives of the true Russian Orthodox saints. Without obedience to men as instruments of God, there can be no Christian life, no life in the Church, no union of hearts in charity."[1]

(2) That the rôle of the moral virtue of obedience in the Christian life is capital is written on every page of the Gospel and of the Fathers of the Church.

We can put this more precisely by distinguishing several forms of obedience. They range from that noted by Pascal and consisting in submission to circumstances—"If God Himself gave us our masters we should obey with a ready heart: now these masters are to be found in necessity and in events"—to that which consists in submission to human persons considered as God's ambassadors or representatives: first on the natural plane, where we find for example the authority of the father in the family and of the State in society; and then on the supernatural plane, where wc find the authority of the director of conscience, the paternal or "dominative" power of superiors in religious families, and the strictly jurisdictional authority of the hierarchy throughout the Church. The various forms of obedience corresponding to these various authorities, all enter on due occasion into the web of Christian fife.

Moreover wc should never lose sight of the greatness of obedience. We should underestimate it, writes Dom G. Morin, if we looked only at its negative side, considering it simply "as an indispensable condition of the existence and development of every religious society", since " the individual, drawn to this society by a stirring of piety, must submit to its laws to form a part of it, and must do nothing to hinder its normal activities". St. Benedict, on the contrary, spoke of the *obedientiae bonum,* to be sought above all else on entering the monastery; the feeling of the religious for his abbot is to be "a genuine desire, a sort of respect as for Christ Himself, something like that which must have been felt by the first Christians after the Lord's ascension. Hearing the Apostles speak of their Master, must they not have cried out: Oh, if wc had only lived with Him, if wc had ourselves received His commands from His own mouth, what joy, what honour for us it would have been to obey Him in the least things ! How then, Paul would answer, know you not that Christ speaks in me, *loquitur in me Christus?* (2 Cor. xiii. 3). Now it is not only in Paul, nor in the other Apostles, that Christ speaks, but in

[1] p. 284.

all their legitimate successors, in all accredited pastors, according to their place in the ecclesiastical hierarchy. It is to all of these that Jesus said: *Whoso heareth jout htardh mel'* (Luke x. 16).1

Finally, to say that obedience should be virtuous is to say that it should be far-seeing, not inconsiderate, prudent, not servile and mechanical; and if we can praise the kind of obedience called "blind", it is exclusively that which goes forward in the transluminous light of faith, more indubitable than all the evidences of one's own judgment.

If we hold to these precisions, and to the singular privileges that issue from the jurisdictional power, declaratory' as well as canonical, of the Sovereign Pontiff, we can say with Fr. Tyszkiewicz, that since the *starkhestvo*—that is, the practice of allowing oneself to be guided in one's inner life by a holy director, expert in the traditional spirituality', to be obeyed without hesitation even in matters of doctrine—is the basis of all the old Orthodox spirituality, the Russian thinker Constantin Leonticff was right "to see in the Papacy the fulfilment and fullness of a very Orthodox and traditional principle; for him, the Pope is the *staretz Startsev,* the director of the consciences of directors of conscience, to whom complete obedience is due precisely because obedience to a legitimate authority is the motive power of the inner life, and makes us capable of receiving the grace of the Holy Spirit, the soul of the Church."3

(3) Tyranny and servitude may be properly opposed to liberty. But it is always an error to oppose authority and obedience to liberty. The correlative notions of authority and obedience are found -again, transposed, on the supernatural plane which is the plane of liberty *par excellence.* To the authority that declares an object of faith, revealed by the infinite authority' of the First Truth, corresponds the "obedience" of theological faith; to the canonical authority corresponds another species of obedience, pertaining to filial piety and the infused moral virtues. Both these "obediences' liberate; the one from the limitations of human reason, the other from the limitations of the egocentric and individualistic life. Fr. Tyszkiewicz perceives that "amongst the modern Orthodox theologians the view predominates, propagated especially by Khomiakov and Dostoïevski, that in matters of faith and the supernatural life authority and liberty are mutually exclusive ideas; and since liberty, as appears above all in the Epistles of St. Paul,

l *L'id/al monastique it la nr chrétienne des premiers jours,* 2nd cd., Paris !914, p. 34. cf. p. 38: " In Simon there was the weak and mortal man, the timid Galilean who trembled at the voice of the maidservant, and there was the prodaimer of the divinity of Christ, the confirmer of his brethren, the supreme shepherd of all the lambs and sheep. And in every parish priest there is the man who is weak as we are, sinful as we are, lacking this or that quality even more perhaps than we do. But with this we have nothing to do; it disappears, blotted out by the light that on the day of his election shone from Christ's countenance upon his. Our faith should look at him thus transfigured. Otherwise it will not take us long to fall out even with the most accomplished head of the community; for, once more, man is always man, nothing to be very proud of, *omnis homo mendax."* These words recall the doctrine of the *Cautelas :* Let the second caution be that thou never consider thy superior as less than if he were God, be the superior who he may, for to thee he stands in the place of God . . . Keep thyself therefore with great vigilance from considering his character, his w*ays or his habits or any of his other characteristics, for, if thou do this, thou wilt do thyself the harm of exchanging divine obedience for human, by being moved, or not being moved, only by the visible characteristics of thy superior, instead of by the invisible God whom thou servest in his person " *(Cautions* in *Complete Works of St, John of the Cross,* ed. A. Peers, London 1943, v°k III, p. 224).

Hoc. at., pp. 289 and 279.

is of the essence of Christianity, authority ought to be abolished. For them, liberty is more especially divine life, creative spirit, spontaneity, joy in the Holy Spirit; whereas the idea of authority necessarily involves a reign of servile passivity, of narrowness, of spiritual death."

It suffices to reply, with the author: "It is clear enough that submission to an illegitimate authority, especially when this submission is inspired by interested motives, whether individual or collective, would prejudice the spiritual life, paralyse faith, kill supernatural joy, arrest the movement to God; we still feel to-day the disastrous effects of the various Cacsaropapisms, eastern and western. But Christian submission to a hierarchy willed by Jesus Christ is not to be judged by die results of subordination to a usurping authority. Obedience to men inasmuch as they are instruments of the will of God in matters of religion, attaches the faithful to God who is the source of all liberty, of all life, of all joy, of all spontaneity. This positive obedience is the potent lever of our liberty, the indispensable condition of the true spiritual life."[1]

Moreover we can add with the same author that there are few ways of escaping from the authentic canonical power without, in practice, falling into the hands of tyrannical and unwarranted jurisdictions. "A juridico-canonical system, organically perfect, healthy and solid, is the best assurance against the penetration of *canonicism* into the interior life of the Church. We cannot too strongly insist on it: Catholicism, precisely in virtue of its strong canonical co-ordination, preserves the supernatural *sobornostj* against the untimely invasions of legalism. What the Orthodox theologians so deeply fear, the 'Vatican' with all its precise juridical apparatus, is a solid dyke against the unchained floods of an undisciplined legalism', such as arise when no authority exists able to put an end to the interminable polemics on the rights of such and such a particular Church, or such and such a social element within the Church: we know how prejudicial these polemics arc to charity, to the *sobornostj.* What might be called unilcgalism tempers the paralysing action of centrifugal and desiccating multilegalisms. It is the lack ofjuridical precision that gives rise to most of the conflicts which bring disaster on the organic universality of Christian charity."[2] Orthodoxy· suffers from a hypertrophy of legalism. "In Catholicism, one alone is infallible in virtue of his office, and within the strict limits laid down by the Vatican Council, without prejudice to the infallibility bestowed on the Church as a whole: whereas elsewhere, the guardian of the faith being nonexistent or replaced by a 'general consent of all', ineffectual because too abstract, each group of Christians, national, international or other, tends to arrogate to itself, in fact if not in theory, the right to be the authentic interpreter of the Church, and more or less consciously requires all Christendom to submit to its decrees. An assurance of its own infallibility, or that of its milieu, often makes itself painfully felt in certain Orthodox theological works. That is what V. V. Rosanoff, Orthodox himself, and the *enfant terrible* of modern Russian religious thought, has strongly emphasised in his famous book *Près des murs de l'Église."*[3]

(4) Fr. Tyszkiewicz believes in an authentic Orthodoxy. It was that which existed "during the period when, while retaining its character as an oriental Christianity, it formed an integral part of the Catholic Church."[4] Freed from the paralysing protection of the Caesaropapist state it tends to-day "to purify itself and flourish religiously. In the persons of its noblest representatives it achieves

[1] p. 287. [2] p. 281. [3] p. 283. [4] p. 290.

a better understanding of itself and of the great rôle that God has in store for it in the Christian future. It seeks, gropingly, no doubt, the sources of the religious dynamism of the great Doctors of the Church; it aspires to find in itself and in the rich Eastern religious traditions, a renewal of life, of liberty, of action on mankind."[1] Will it overcome the temptation to prefer a mechanical or "photographic" fidelity to the ancient Church to a genuine and organic fidelity? If it docs, the Catholic Church will seem in its eyes to be " the Christian confession in which arc organically and vitally continued the ancient general movement of the Church, the ancient progressive march of *dogmatization* (as certain Orthodox writers say), and the old reactions of the Flavians, the Cyrils of Alexandria, or the Theodore Studitcs against the dangerous paths of an interested separatism."[2] The accord will form around the great Catholic principle in these matters, namely "the plenitude of brotherly life in Jesus Christ, maintained by the full use of *all* the means willed by the head of the Church for the fulfilment of charity."[3]

We too, on our side, shall have to allow ourselves to be always more and more perfectly subjected to our Church, which is divine. "We are, alas, too little Catholic, too narrow, too exclusively attached to the culture of the West in general, to our paltry national prerogatives and pretended Latin superiorities."[4] Furthermore those who work for union with the Orientals should more closely assimilate—doubtless after all the needful purifications and completions—all that is healthy, positive, living and creative in the Orthodoxy of to-day. For "would it not be a crime to refuse to cultivate the riches of Orthodox moral theology', also of the Russian ascetic, liturgical and pastoral theology', with all that careful solicitude which the spirit of the Catholic Church demands? Could we not communicate to our oriental enterprises some of that fragrance of the Gospel beatitudes which is so characteristic of the high Russian piety and whose spiritual charm is unmatched elsewhere in the world?"[5]

[1] p. 291. [2] p. 289. [3] p. 291. [4] p. 290. [5] p. 294.

THE RELATIONS OF THE CANONICAL POWER AND THE POLITICAL POWER

Before passing on to the other great divisions of the jurisdictional power we must linger a while longer over the study of the canonical power. If the declaratory power is the higher, the canonical power, which brings it into immediate touch with temporal things, is the more deeply affected by their complexity and contingence. The documents of the ecclesiastical magisterium that rule its exercise have, in every age, to reckon with the contemporary state of cultural development. The field of its influence is therefore variable; sometimes, as in the early Christian era, it seems to keep itself well within its legitimate frontiers, and at others, as in the Middle Ages, it appears to overstep them. We must first define its essential exigencies, and determine the nature of its relations with political power and political society. That, however, will not suffice. We shall still have to discuss, endless as the task may seem to be, the legitimacy of many measures taken by the medieval Popes in the name of their powers, measures that find mention in the canonical collections and were then turned to account in the theological *Summae:* transference of the Imperial dignity, deposition of apostate princes, suppression of heresy, organization of Crusades. If we maintain that these measures were justified, there seems to be a danger that those who thus work to save the full authority of the canonical power entertain the secret hope that one day all its medieval applications will be revived. And if, on the contrary, we disavow these measures, and consider them to have been usurpations on the part of the spiritual power, it seems as if we shall have to agree that in thus falling in with the methods of the kingdoms of this world the Church lost sight of her transcendence, yielded to the third temptation rejected by Our Lord, allowed her sanctity to be eclipsed during long centuries and, by ambition, weakness or ignorance, betrayed the mission that Christ had entrusted to her. Neither the theologian who simply asserts the divine character of the canonical power, nor the historian content to plead extenuating circumstances for an attitude he admits to be regrettable, will ever resolve these grave questions. Let us make an attempt to resolve them on their own merits. We shall in the first place recall (i) the analogical character of the canonical jurisdiction. I shall indicate (2) the essential claims of the Church in her relations with the State. Then (3) we shall set out to describe the normal rôle of the Church in a secular Christendom.

THE CHURCH OF THE WORD INCARNATE

And finally (4) we shall discuss more at length the rôle of the Church in medieval Christendom.

I. THE ANALOGICAL CHARACTER OF THE CANONICAL JURISDICTION

i. THE CHURCH'S LIKENESS TO CIVIL SOCIETE ANALOGICAL ONLE

Since the Church has no other end titan eternal life and union with the divine Persons, we have refused to distinguish in her first, a *specific* element by reason of which she is supernatural and possesses the powers of order and magisterium, and then a *generic* element by reason of which she is social and visible, possessing like other societies the power of legislating, judging and punishing. The Church is, at once and through and through, both supernatural and visible: first by reason of the power of order and the declaratory power, next by reason of her canonical power which contains the legislative, judicial, and coercive powers within itself. Her resemblance to political societies is analogical only, not univocal. Hence the resemblance of her canonical power to the political power is also only analogical; and that of her legislative, judiciary and coercive powers to the legislative, judiciary, and coercive powers of the State, is merely analogical likewise.

2. THE ORIGINAL CHARACTERS OF THE CANONICAL PO WER

It follows, as I have already pointed out, that the canonical power can propose even speculative and doctrinal statements to the faithful, who will then be bound to give them an intellectual assent; that if it more especially governs exterior acts, it can nevertheless prescribe the interior acts of faith and religion that should lie behind them; and that the maxim *De intends non judical praetor* is not to be applied to the canonical domain simply as it stands.[1]

It further results that the means of coercion open to the Church to bring her rebellious children back into the ways of obedience and love will not be identical with those used by the temporal society. Since the Church is a society which is not *of* this world, a spiritual society, ecclesiastical penalties will be always spiritual by reason of their end. But since the Church is a society which is *in* this world, a visible society, she can touch delinquents in their visible, temporal and material goods; but, even then, such penalties, remaining spiritual in aim, will be distinct from those inflicted by civil

[1] Emmanuel Mourner remarks aptly: " When applied to the Church and to the State (and other human powers) respectively, the word αηώαπζχ, contrary to Bakunin's view, denotes things *essentially* distinct, merely analogous, with an analogy of proportionality, since the ends and origins of the said authorities are supernatural in the one case and natural in the other. An orthodoxy, or an orthopraxy implying an orthodoxy, imposed by an exclusively temporal power, are altogether intolerable things" ("Anarchie et personnalisme ", *Esprit,* xst April 1937, p. 141).

society. They will have another measure; they will be lighter and will not, for example, go as far as the shedding of blood and the death penalty.

The same remarks apply to the means of extending and defending the Church. The sole means of conquest proper to the Church as such, is the preaching (and living) of the Gospel; neither constraint nor war is allowable here. The sole means of defence proper to the Church as such, and arising from her nature as the visible Kingdom of God among men, remain spiritual in measure and aim, even when temporal in themselves. They do not consist in opposing blade to blade, bloody constraint to bloody constraint: "Behold, I send you forth as sheep among wolves" (Matt. x. 16); so that if the Church still exists in the world, if the sheep still live in the midst of wolves, the thing is clearly a miracle.[1] The only bloodshedding for which the Church, as such, takes the full and immediate responsibility is that of the martyr. "Then they came up and laid hands on Jesus, and held him. And behold one of them that were with Jesus, stretching forth his hand, drew out his sword; and striking the servant of the High Priest, cut off his ear. Then Jesus saith to him: Put up again thy sword into its place; for all that take the sword shall perish by the sword" (Matt. xxvi. 50-52). And wc are clearly warned that what applies to Jesus Himself applies to all His Kingdom: "My kingdom is not of this world. If my kingdom were of this world, my servants would certainly strive that I should not be delivered to the Jews: but now"—since they have not done so it is clear that—"my kingdom is not from hence." (John xviii. 36).

Yet Popes have issued decrees for setting holy wars on foot, and for compelling princes to hunt down heresy, and I believe that they did so legitimately. But what I propose to dispute is that they did so in virtue only of their canonical power, and of essential and permanent exigencies of the Kingdom of God.

5. *THE ACTION OF THE CANONICAL POWER IMMEDIATE OR MEDIATE*

A further remark. When we speak of the means adopted by the legislative, judiciary and coercive powers of the Church, we speak first, of course, of those means which she wields *herself,* without having recourse to any intermediary. But we include further certain activities exerted through the medium of the *secular arm·,* not all such activities indiscriminately, but those only for which the ecclesiastical power can and ought to bear the full responsibility, those whose immediate end is the spiritual not the temporal-Christian, Christianity and not Christendom, activities regulated by the laws of the Church and not by the laws of the State. The secular power is then functioning as a pure instrument of the canonical power. Its activity,

[1] On this text of Matthew's, sec the Commentary of St. John Chrysostom, *Homil.* 33, P.G. LVII, col. 389: " Let us therefore blush when we ourselves perversely become wolves to our foes. While we remain sheep wc have the victory; and even if myriads of wolves surround us we arc the stronger. As soon as we become wolves wc arc beaten. The Shepherd leaves us. He feeds sheep, not wolves. He turns away from you and goes. You xvill not allow Him to make His power seen."

ordinarily civil, becomes spiritual *hic et nunc,* exceptionally, on special occasion; it submerges itself in the activity of the canonical power, changes its character, becomes lighter and more moderate. On that account, the secular arm has to renounce the use of the sword. St. Augustine docs not refuse its services to deal with the Donatists, but he "would not hear of capital punishment; he trembled lest the blood of the enemies of the Church should flow back upon her and dishonour her."[1] The Church is the party responsible for these activities, not the secular power: they arc here regarded as pertaining to her "direct power". I shall reserve the term "indirect power" for another usc.[s]

IL THE ESSENTIAL CLAIMS OF THE CHURCH IN HER RELATIONS WITH THE STATE

The claims of the Church with respect to the State concern on the one hand the life of the Church herself, and on the other her influence on the State. The Church has first of all the right and the duty to take root, live and develop in the bosom of political societies. She has moreover the right and the duty to exert a sanctifying influence on the life of political societies. Both kinds of claim are put forward by Leo XIII in the Encyclical *Sapientiae Christianae* (loth January 1890): '*The Church cannot be indifferent as to the particular laws which shall rule cities, since it happens only too often that instead of keeping to the political sphere these laws transgress their due limits and encroach on ecclesiastical rights. Now' God has entrusted the Church with the duty, first of opposing political measures harmful to religion; and secondly, of bringing all her zeal to bear to ensure that the laws and institutions of peoples should be penetrated with the spirit of the Gospel." Let us consider, briefly, each of these claims.

I. THE CHURCH'S NEED TO SAFEGUARD HER 0WN EXISTENCE: DEFENCE OF THE SPIRITUAL ORDER

However great their diversity the Kingdom of God and tire kingdoms of this world meet on the same territories, not to say in the same men, and claim them for their respective ends. How are we to conceive this partition—first within the man himself, and then among his worldly and temporal goods?

A. Man's Twofold Motion Towards God: Through the Temporal Community and Through the Spiritual Community

The law of all created natures, be they physical particles or living germs, is to tend towards their act, their end, their perfection, their good. This good is a distant likeness of the divine good; and so, in tending to their own perfection they arc also tending blindly—and of course with numberless failures

1 P. Batiffol, *Le catholicisme de saint Augustin,* 1920, p. 335. » cf. below, p. 260.

—to God. Now if this is so, then man, who is not exempt from the general law, ought likewise to be constantly moving towards his end and his good, that is towards God, in a truly human way, in which the failures will take on the nature of sins.[1] In moving in this properly human manner towards the fulfilment and fullness of his nature, man will find himself bound to enter into relations with other persons and to live a communal life; first of all in the basic community of the family, which is ordained for the handing on of life, and is itself involved in civil communities, wider, more perfect, more "divine", ordered to the unfolding and flowering of human life[2]—communities whose influence will penetrate the family community and lift it gradually above itself. The supreme civil community alone will have full moral personality, will be perfect; not in the sense that it can isolate itself from all others and tend to some impossible autarchy, but in the sense that it can treat with the others as an equal with equals. At each step of this progressive introduction to community life man is moving towards God.

And yet the human person is too noble a thing to be wholly received into and absorbed by a community. It is but a part of himself that moves towards God by way of the family, and another part by the various civil communities; and there remains an clement in him that can move towards God only directly, that concerns no one but God and himself. That is why St. Thomas distinguishes three parts in moral philosophy: first the "monastic" which rules the activity of man in his singleness; then the "economic" which rules the activity of the domestic community; and then "politics" which rules the activity of the civil community.[3] He writes elsewhere that the good of man as man, which consists in the knowledge of truth and the regulation of the lower appetites, is distinct from the good of man as citizen, which consists in social intercourse; that the virtue that makes a good man is distinct from the virtue that makes a good citizen.[4] Thus the community has its rights over the man, and its place on the road by which he moves towards God (and there we have the part given over to Caesar, although for God's sake); yet it must never become totalitarian, never wholly absorb the man, in whom is an irreducible greatness, mysterious and referable immediately to God, on which the civil community has no right to lay hands (and there we have God's exclusive part): and it is inasmuch as it protects the mystery of the independence of the human person that private property too becomes inviolable. "The man," says St. Thomas, "is not ordained to the political community according to all that he is or has. . . . But all that man is, all that he does, all that he has, ought to be referred to God."[5] Without even

1 " All things, by desiring their own perfection, desire God Himself; inasmuch as the perfections of all things arc so many similitudes of the divine essence. Of those things that seek God some know Him as He is in Himself, and this belongs to the rational creature " (St. Thomas, I, q. 6, a. i, ad 2).

2 St. Thomas, *Ethic, ad Nic.,* lib. J, Icct. 1.

3 ibid.

4 *D' Virtutibus in Communi,* a. 9.

5 I–II» q. 21, a. 4, ad 3. The " difference of level between the plane on which man lives his personal life and the plane he occupies as part of a social body . . . explains why personality seeks social life and tends always to travel beyond it." From the society of the family he passes to civil

quitting the plane of philosophy it thus becomes evident that the civil community is of itself unfitted to rule the entire being of the men it brings together; it rules only their life as citizens and the inner reserves of their nature lie beyond its grasp. It is precisely in virtue of this part of themselves, the part that remains inaccessible to the civil community and by which they are capable of God by grace,[1] that men are called to enter into a higher community.

The same men, composed of soul and whom the State, on account of their natural capacities, claims for civil life, are claimed by the Church, on account of a more inward obediential capacity, for the life of the heavenly city, the life "of this Jerusalem, whose Prince is God, whose citizens are the angels and all the saints whether reigning in glory in their fatherland or still pilgrims on earth, according to the word of the Apostle [Eph. ii. 19]: 'You are fellow citizens with the saints, and the domestics of God s It is a supernatural city which Christ has begun to gather up around Himself and incorporate into His own Body, a visible extension of His being, of which He remains to-day the Head though He is ascended into Heaven and cannot corporeally touch our miseries (save under the eucharistie veils). He now continues by way of the sacramental power (made visible by the sacraments that confer it)* to endow it with the life of grace and the infused virtues: "for, that man should be a member of this City his nature does not suffice, it needs to be elevated by God's grace; and it is clear that the virtues that arc in man inasmuch as he is a member of that City, cannot be acquired by his natural powers. Wherefore they are not caused in us by our own acts but infused into us by the divine gift."* .And He continues by the jurisdictional power (also made visible by reason of the designation that confers it) to dispense the truth that nourishes its contemplation and directs its action. Of the two forms of the jurisdictional power it is the second, the canonical, that most often comes in contact with the political power. It takes the necessary *regular* disciplinary measures concerning matters of a spiritual[4]

society, and in the heart of civil society " he feels the need of clubs and fellowships that will interest his intellectual and moral life. These he enters of his own free choice and they assist the soul in its efforts to ascend to a higher level. In the end these also fail to satisfy and they cramp the soul which is obliged to pass beyond them. Above the level of civil society' man crosses the threshold of supernatural reality and enters a society which is the mystical body of an incarnate God, and whose office is to lead him to his spiritual perfection and to full liberty of autonomy and eternal welfare " (Jacques Maritam, *Freedom in the Modern World, trzns,* R. O'Sullivan, K.C., London 1935, p. 51)·

[1] The human soul is " by its nature capable of grace; from the sole fact that it was created in the image of God it is capable of God by grace, as Augustine says " (St. Thomas, I-II, q. 113, a. to), cf. St. Augustine, *De Trinitate,* lib. XIV', 12: " Eo quippe ipso imago cjus est, quo ejus capax est . .

[1] St. Thomas, *De Virtutibus in Communi,* a. 9.

[1] " Character habet rationem signi per comparationem ad sacramentum sensibile a quo imprimitur " (St. Thomas, III, q. 63, a. 2, ad 4; cf. a. 1, ad 2).

[4] St. Thomas, *De Virtutibus in Communi,* a. g. " There is a specific difference between the *infused* moral virtues whereby men behave well as fellow-citizens with the saints and members of the household of God, and the *acquired* virtues, whereby' men behave well in human affairs " (I-II q. 63, a. 4).

nature (whether wholly so, and these are the most numerous, or only partially so—"mixed" matters, such as the effects of marriage, education, etc.); and it takes *accidental* disciplinary measures concerning matters essentially civil but becoming spiritual *hie el nunc,* as touching the altar. The Church intervenes here to defend spiritual goods in the strict measure demanded by this defence; she herself takes the concrete initiative of the materially political (but formally spiritual) act; and her intervention may be effected by "civic Catholic action"—this is properly Catholic action and not political action, since its object is to defend, for the sake of the spiritual, values that are proper to the city of God, though involved in the temporal order.[1] Thus the same men are drawn into the orbit of two great visible communities, of two societies, each being perfect and supreme in its sphere, whose specific ends, jurisdictional powers, and formal bonds, arc profoundly distinct. The Pope alone could be an exception; but if, with a view to safe-guarding the free exercise of his spiritual power, he voluntarily assumes the charge of a political principality, as in fact he did for a long period, the line of partition between the spiritual and the temporal will run through his own heart.

How do these great communities confront each other within the soul of a man? Are they contraries, and is it the law of each to devour the other and assimilate it? There are some who are so persuaded. Those of them who recognize the divine greatness of the Church, would endow her with a mission to absorb the State.[2] Others, much more numerous, want the State to swallow up the Church: it is to this that totalitarianism, whether it flatters or persecutes the Church, whether it be pagan, or atheist, communist, racist or statist, tends of its nature. A third reaction, anarchist this time, would consist in proclaiming the radical illegitimacy of every social hierarchy, divine or human, and in involving the human person in an unbridled revolt.[3] All

[1] Jacques Maritain, *Questions de Conscience,* 1938, pp. 184 and 194. cf. *Humanisme intégral (True Humanism,* London 1938, p. 293): " There is on the temporal plane . . . with regard to the spiritual order, a zone of questions which, in themselves (c.g. ' mixed questions ', touching marriage, education etc.) or in the circumstances of the case, include a reference to that order: while affecting the earthly city, they also directly concern the good of souls and that of the Mystical Body; the Christian, as a member of that Body, has to consider them primarily and above all, not in reference to the temporal order and the good of the earthly city (which moreover suffers detriment if higher values arc violated), but as they affect the supra-tcmporal good of the human person and the common good of the Church of Christ." Wc speak of a "civic Catholic action" in the strict sense. The Abbe Daniel Lallcment's book, *Principes catholiques d'action civique* (Paris 1935), which sums up " the teachings of the Catholic Church concerning politics ", contains, besides those concerned with *chic Catholic action,* some principles concerning the *civic secular action* of Catholics and envisaging their temporal thought and activities, cf. above p. 186, n. 5.

[2] " Dostoïevski was the prophet of the Russian-Orthodox theocratic idea, of the religious light that comes from the East . . . With this false theocratic idea there is bound up in Dostoïevski an equally false conception of the State, an inadequate notion of its independent value, of the value of a State not theocratic but temporal, receiving its religious justification from itself, not from outside, in an immanent and not transcendent way . . . This false anarchism, this will to find no religious meaning in an independent State, arc present in Dostoïevski. They represent a typically Russian trait; perhaps they reveal a Russian malady" (N. Berdiacff, *L'Esprit de Dostoïevski,* Paris 1929, pp. 251-253)

[3] ' Anarchism was anti-theist in Proudhon, who did not deny God's existence, but treated Him as an enemy (" Dieu, c'est le mal "), atheist in Bakunin (" If Cod really existed we should have to

these solutions do violence to the human being and hurry liim on to catastrophe. It is enough to respect the depth of the mystery' in man to understand that he has to move towards God in two different ways. By reason of his natural powers, actualized by his acquired virtues, he will move towards his connatural ends, and will therefore enter into civil communities. By reason of the obediential potency of his spirit, actualized by grace and the infused virtues, he will acquire wings on which he may rise to the city of the angels, of Christ, and of the divine Persons. He will walk and fly at one and the same time; and in this there will be no incompatibility. Indeed, he will walk the more surely on the earth when his love draws him towards heaven, and be the better citizen when fully Christian; it will be the mission of the Church to Christianize civil life. The earthly city and the heavenly city, the State and the Church, dinde man's inward life between them. The law of an essential duality, from which he will only escape by death, divides his being in this world. The division is grievous, no doubt, but in itself salutary. It does not aim at vainly tearing man apart and producing sterile and unending conflicts. It is meant to bring the various powers of his soul by different routes to the same God. It was always present, but it only came to light on the day when the Saviour uttered, as it were in passing, the famous words: "Render therefore unto Caesar the things that are Caesar's, and unto God the things that arc God's" (Matt. xxii. 21): words which sanctioned the just rights of Caesar while creating the rights of the Church, and which were to overturn the age-long totalitarianism of the pagan world. St. Augustine drew attention to it forcibly.[1] It is a homicidal folly and an offence to the Gospel to want to change the *distinction* between Church and State into *opposition.* The conflicts that have arisen between them in the course of history are accidental, not of the true essence of either.

warn Him off'l), Christian in Tolstoy (" Every Church, as a Church, has always been and cannot help being . . . directly opposed to the doctrine of Christ " Christianity, properly understood, destroys the State; this was understood from the outset and expbins why Christ was crucified").

[1] In his commentary on the text in which Sl Paul recommends die Christians of Rome to obey the still-pagan authorities of the City, *Expositio Quorumdam Propositionem ex Epistola ad Romanos,* propos, 72: "The Apostle knew that some would be proud enough to think that since they were called by the Lord to liberty on becoming Christians, they would no longer have to conform to the bws here below, nor submit to the authorities set wcr temporal things. But if we are composed of soul and body, then, as long as we live dûs temporal life we shall have need of temporal things to maintain it. We must therefore in that respect obey the authorities, that is to say the men who arc pbced in office to govern human things. But in so far as we believe in God and are called to His kingdom, we are not to obey those who would destroy the gift of God that leads us to eternal life. If therefore anyone thinks that just because he is a Christian he is exempt from paying the taxes and from duly honouring those to whom the government is entrusted, he is die victim of a grievous error. And if anyone on the contrary' considers that the authorities set over temporal things have any power over his faith, he falls into a worse error. Here we must do what the Saviour commanded and give to Caesar what is Caesar's and to God what is God's. And although indeed we are called to a kingdom on which the temporal authorities have no power, yet while we remain in this present life *and are not jet came to the age when all prineipality and power will disappear,* we must bear with our condition, and respect the order of human things, doing nothing deceitfully, and obeying, even in this very matter, not so much men as God who ordains it."

B. The Respective Dominions of Church and State: the Church, by Nature, not Territorial

Church and State meet on the same territories. How define the *dominium* of each?

Man's dominion over external things—a feeble reflection of the divine dominion over the being and the activity of all creation—is the power, flowing from his intelligence and his will, of using them for his own ends, as if they had been made for him.[1]

It can take two forms. First there is the dominion inherent in the human person, the use of external things which each individual person has the right to make for his own ends. There we have personal property, the *dominium humile.* Then there is the dominion of the civil power, the use of external things which the civil power has the right to make for the common good. There we have the high dominion, the *dominium altum.* It is not meant to supplant personal property but to make it more secure, more fruitful, better distributed and better regulated. And if the State may itself become proprietor of certain domains and non-movables, of certain industries and public sendees, this is only the more efficiently to favour the autonomy and personal property of its subjects.

What dominion does the Church claim over these external things? Exactly that which is needful for the complete fulfilment of her spiritual mission.

First of all, to safeguard the free exercise of his sovereign spiritual jurisdiction, the Pope will have the canonical right—subject of course to all the claims of justice—to a civil principale, whereby he will possess, to the exclusion of all other political power, the *dominium altum* over a portion of territory, to be administered by him as by any other temporal prince. It is clear that this principale, standing alongside other temporal principales to guarantee the independence of the pontifical power, will not of its nature tend to supplant these others; any more than the movable or immovable property of the State will tend of its nature to supplant other personal properties.

Save only for this temporal principate, which does not enter into her structure but is annexed to it from without, the Church as such cannot without usurpation claim *dominium altum* over any territory. It is not her business, but that of political governments, to look to the security, regulation and development of personal property. In this sense she ought to refuse, as Jesus did, the kingdoms of this world and their glory. A territory, a kingdom, may be added to her from without, but she remains intrinsically and of her very nature a non-territorial society, a society without a fatherland. She must neither retreat into some determinate region as into an entrenched camp, nor extend the frontiers of the pontifical state to those of her mission to all

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[1] St. Thomas, II–II, q. 66, a. j. We are not concerned here with the dominion of man over man which is realized in a command *(imperando)* not by utilization *(utendo),* and which is subdivided according as it is directed to free subjects or to slaves, cf. I, q. 96, a. 2 and 4.

mankind. Even in the Middle Ages that was never her ideal;[1] and if the canonical power then penetrated deeply into political life, this was not, as we shall sec, in virtue of any essential and permanent claim of the Church, but of a particular conception of Christian political order. This conception was legitimate, I hold, for the epoch in question, but is not bound up with the life of the Church.

If the Church is essentially non-territorial she must needs have her being in the territories of others. In this sense she will dwell on the earth as a stranger. Like the God who lies hid in the Host, she too, a supernatural person of whom the world is not worthy, will ask only of States, in order that she may live with them, this *dominium humile,* this right of personal property', which they cannot abolish without injustice. But this right will then be doubly inviolable: first, as personal property', so that they' cannot despoil her of it without tyranny, without overturning the equity' they exist to defend; and again as religious property, so that they cannot take it away without sacrilege and outrage on religion.[2] Thus the Church, though she is greater than the states, is yet subject to them in one respect. She is bound to

1 The consecration of the Emperor and of kings aimed at making them princes of Christendom, not vassals of the pontifical state; and St. Thomas's expression about " reges vassalli Ecclesiae " *(Quodlibd,* 12, q. 13, a. 19, ad 2) either refers to some particular kings or is to be taken in a broad sense.

3 'The whole question of the rro/ by which ecclesiastical goods (rtr) were, in ancient canon law, declared exempt from civil charges and taxations, depends, in the last analysis, upon the supernatural character of the personality of the Church, on account of which it may be said that these real immunities (and oilier ecclesiastical immunities) have their origin in the divine law. " In the eyes of our ancestors," wrote L. Choupin, M the goods of the Church were the goods of God Himself, and, as such, were wholly withdrawn from the power of princes, and free, consequently, from secular taxation. Severe ecclesiastical penalties sanctioned this immunity, and in spite of resistance here and there, it was generally recognized " (" Immunités ecclésiastiques ", in the *Did. apd. de lafoi catholique,* col. 619). Since the political society of the Middle rXges recognized the supernatural character of the Church, she appeared in all eyes in the light of a public utility—in this instance *of a* super-eminent sort. Ecclesiastical goods were thus entitled, like those of the public domain, to exemption from taxation. This right to exemption could and should be recognized even by states that no longer live under a " consecrational " regime like that of the Middle Ages, and politically tolerate all religions. Père Choupin writes in the same article: 0 Man's religious aspirations arc unquestionably his most indispensable aspirations: any thing dial sen es them is of genuine public utility. Hence ecclesiastical goods properly so-called, church buildings, chapels, convents, presbyteries, seminaries and so forth, are earmarked *for* a *public senicc.* Is it not therefore merely just and equitable to exempt them from taxation? In England, in America, some part of the goods of the Church, notably the buildings dedicated to public worship, are not subject to tax. Nothing could be more legitimate: it is an excellent example of impartiality, of true liberalism, on the part of Protestant states. The Church, by promoting religion, contributes much to the prosperity of the State." Let us add that the present Code of Canon Law says nodiing about real immunities in fiscal matters: the question is left to be setded in the various Concordats. ΛΛs for the *local* immunities, they comprised in the old Canon Law *a.* the right of asylum, known to pagans, securing by common consent the inviolability of certain criminals taking refuge in the sacred places: they could not be seized by the secular arm save by permission of the ecclesiastical authorities, who would thus protect diem against revengeful violence; *b.* interdiction of profane acts, prohibiting civil demonstrations in sacred places. There is a trace of this last immunity in Canon 1160 of the Code: " Holy places are exempt from the jurisdiction of the civil authority, and the legitimate authority of the Church is to be freely exercised there.[1] This provision aims at protecting the dignity of public worship by reserving the wholly spiritual jurisdiction of the Church. No more than in the foregoing cases does it propose to deprive die State of its *dominium altum* and transfer it to the Church.

obey their just laws. The theologians have recognized this,[1] and Gajetan gives it precise point in a celebrated text.[2] She will be more or less at their mercy, and they will find it easy to despoil her, to rob her of the means of subsistence, to stifle her; it has in fact been her fate to be constantly dispossessed and as often rehabilitated. But clearly, they cannot behave in this way without calling in question the rights on which they themselves are based. Here again, these conflicts between Church and State remain accidental; only by a violation of the nature of things could they be made essential.

2. *THE CHRISTIANIZATION OF CIVIL LIFE BY THE CHURCH: ILLUMINATION OF THE TEMPORAL ORDER*

A. The Spiritual Connected with some Temporal Acnvmes Simply on Account of Their Existence in a Human Subject; with Others, on Account of Their Content

In coming to divinize the inmost depths of a man, to make him a citizen of heaven, a member of Christ, a living temple for the divine Persons, grace and the infused virtues make their influence felt throughout the whole range of his temporal activity, and speed his progress towards his political and properly human ends. The plane of spiritual activity remains clearly distinct from the plane of temporal activity, even when this is directed and penetrated by the spirit of the Gospel. To the first plane belongs the work of the infused virtues and the things of the interior life looking directly to God. To the second belong the work of the acquired virtues and the things of the cultural life, notably those of political life which are directly Caesar's concern, but for God's sake. "Let every soul be subject to higher powers. For there is no

[1] When they affirm that the real immunity is of divine right, they do so, says Choupin, "in the sense that the State cannot, of its own authority, lay burdens upon ecclesiastical property: for that needs the consent of the Church which, by divine law, is a perfect society" (loc. cit, col. 618). But they' affirm at the same time that the Church is bound to recognize the just demands of the State in matters of *dominium altum.* Sec the note following.

[2] To prevent too great a concentration of goods, the Old Law provided that every fifty years, the jubilee years, everybody should regain possession of his landed property (Lev. xxv. 13). To justify this legal provision St. Thomas explains that if the sale of land were unregulated it would pass into the hands of a few and large areas would be depopulated. And he cites a text of Aristotle's affirming the necessity of ordering possessions in view of the common good (I–II, q. 105, a. 2, ad 3). Commenting on this passage of St. Thomas, Cajetan remarks that when the laws of a country determine a reasonable maximum size of individual holdings of land, these laws, being just, will be recognized by the Church; so that the Church would be bound to sell any surplus land which might come into her possession *(in* I–II, q. 105, a. 2). We must of course remember, adds Cajetan, that some ecclesiastical goods that might seem superfluous if enjoyed only by the ministers of the Church are not so in reality, and remain legitimate if we have regard to the charitable works performed by these ministers *(in* II–II, q. 32, a. 5, no. 5). However, even when the revenues arc distributed in charity, properties that are too large may be justly limited, since the mode of exploitation then tends to become less personal, less human, and, in the long run, less fruitful. It was on the eve of the Reformation that Cajetan remarked that the goods of the Church were not to be increased indefinitely (the Commentary on the *Secunda Secundae* was finished in 1511). At this period, wrote Grisar, "in virtue of the pious donations that had accumulated in the course of centuries, the Church had become too wealthy. Thus, in the diocese of Worms, about three-fourths of all property belonged to ecclesiastical proprietors" *(Luther,* St. Louis and London 1930, p. 125).

power but from God ... Therefore he that rcsistcth the power, resisteth the ordinance of God . . . Wherefore be subject of necessity, not only for wrath but also for conscience' sake'': so writes St. Paul (Rom. xiii. 1-5), who here gives us the full meaning of the *Reddite Caesari.* The planes of the spiritual and of the temporal arc in themselves different, but they cannot be separated. "One is subordinate to the other; the temporal as such needs to be vivified by the spiritual; the common good of civilization demands of itself to be referred to the common good of life eternal, which is God Himself. On the one plane as on the other, my work will only be well done if I have, in regard to the object in view, the necessary competence and the needed instruments: but even when I act as a citizen of another city than the Church of Christ, the Christian life and truth should permeate my activity from within, should be the living soul and direction of all the material, whether of knowledge or means of realisation, that I bring into play; and this whatever be the object of my work, whether it is, as in planting a vine or building a house, one which belongs in itself to a technique independent of the Christian faith, or, as in things of the social and political sphere, one where, however large the part played by technical elements, the ethical order predominates, and hence one that intrinsically depends on the higher principles assigned by Christian faith and the Christian wisdom that comes from above."[1]

We need not fear to push the debate too far. The general question of the subordination of the temporal to the spiritual, of the profane to the sacred, is evidently wider than the more particular question of the jurisdictional relations of Church and State. It is the whole field of temporal life that is due to fall under the attraction of the whole field of spiritual life. But, as we have just seen, the activities of the temporal life can be disposed into two groups.

In the first we shall put all those activities which, in themselves, do not directly involve ethical and contemplative values: gardening, cooking, building canals and aeroplanes, studying algebra and the sciences—in the sense in which science is opposed to wisdom[2]—and so forth. It is not by reason of their content but solely on account of their existence in a human subject redeemed by the blood of the cross and bound to direct all his acts to eternal life, that these temporal activities are touched by the breath of the spirit?

[1] Jacques Maritain, *Tnu Humanism,* pp. 290-291.

[2] " In an intermediate sense . .. the word knowledge is taken in opposition to the highest regions of our understanding. In this sense it means science in contradistinction to wisdom, and has to do with the less exalted regions of our understanding. We do not describe botanical or linguistic knowledge as wisdom, but as science. Wisdom is knowledge through the highest sources and in the deepest and simplest sense. But knowledge or science in this second sense means *knowing in detail and br proximate or apparent causes,* In this sense we speak of * science, or the special sciences * ** (J. Maritain, *Science el sagesse (Science and Wisdom,* London 1940, pp. 4-5). The distinction between science and wisdom, the lower and the higher reason, is indicated by St. Thomas (I. q. 79, a. 9) who borrowed it from St. Augustine *(De Trinitate,* books XII-XTV). On the various meanings of this opposition in St. Augustine, sec Henri-Irenée Marrou. *Saint Augustin el lafin de la culture antique,* 1933» PP· 370 and 563.

[1] According to St. Augustine and St. Thomas, human acts, at least if considered in relation to the *natural* end of man, are, in the concrete, always either good or bad, never indifferent. z\nd

CANONICAL POWER AND POLITICAL POWER

In the second group we shall put activities which, over and above all technical and scientific values, bring into play of themselves the highest of human values, the values of ethics and wisdom. Such arc social, political and philosophical activities. It is not simply on account of their existence in a subject wayfaring towards eternity, but also by reason of their very content, of their specific object, that these activities should receive influence and regulation from the spiritual order. And what will be the effect of this influence and regulation? First, it will tend to *heal,* to rectify the deviations that are bound to occur in human temporal activity, since it comes from creatures fallible in their own nature and wounded by their revolt against grace, so that they pursue the good and the true with diminished powers, even when this good and true arc, in themselves, proportioned to their nature, connatural.[1] Innumerable errors, philosophical, moral, economic, political, cultural—concerning the place of the human person in the universe, how he is to attain his last end, his multiple social relations, the use to be made of worldly goods—are brought to light and corrected by the healing function of revealed truth and divine grace. That is not all. The influence of the spiritual not only rectifies the defects of natural activities; it permeates them through and through and gives them *tone,* infuses them with new sap, and this without in any way removing them from their own plane and their proper laws; even in their own specific sphere—that of philosophical research, economic and political organization, artistic invention—it operates to sublimate them,[2] to give them a new splendour which is the proper effect of Christianity; so that we can indeed have a Christian philosophy, a Christian economics and politics, a Christian art, and, more generally, a Christian

Pius X declares that the Christian " no matter what he is doing, even in the temporal order, has no nght to neglect those goods that surpass nature, nay, the laws of Christian wisdom oblige him to direct them all towards the Sovereign Good as towards his last end; now all his actions, as morally good or bad, that is to say as conforming or not conforming to natural and divine law, fall under the judgment and jurisdiction of the Church" (Encyclical *Singulari Quadam,* 24 Sept. 1912). Theologians observe however that in a very particular sense, that is, with respect to the *supernatural* end of man, there can be concrete acts which are neither good nor bad, that is to say neither meritorious nor culpable: for example, the alms given out of pure natural compassion by those who voluntarily remain in a state of mortal sin. But such alms, nevertheless, are ethically good.

[1] As regards the *true,* St. Thomas writes: " Even as regards those truths about God which human reason could have discovered, it was necessary that man should be taught by a divine revelation; because the truth about God such as reason could discover would only be known by a few. and that after a long time, and with die admixture of many errors " (I, q. 1, a. 2). The same might be said of truths relating to the soul and to the conduct of human life. In his Apostolic Letter *Tuas Libenter* of 21 Dec. 1863, Pius IX recalled that although the natural disciplines rest on their own principles, known by reason, it is important that Catholics who cultivate them should always keep divine revelation before their eyes as a guiding-star, *veluti rectricem stellam* (Dcnz. 1681). As regards the *good,* St. Thomas writes: " In the state of wounded nature man falls short of what he could do by his nature, so that he is unable to fulfil it by his own natural powers. Yet he ... can accomplish some particular good, as to build dwellings, plant vineyards and the like; yet he cannot do all the good natural to him so as to fall short in nothing ... so that he needs a gratuitous strength superadded to natural strength ... in order to be healed " (I–11, q. 109, a. 2).

[3] On the authentic way in which an inferior activity can be sublimated, that is to say superelevated. but not changed or robbed of its essence, by a superior one, as instinct in man can be sublimated by spirit, see T. L. Peniso, *La conscience religieuse: Essai systématique suivi D'illustrations* Paris, 1935, p. no.

culture—Christian, that is, in its inner inspiration, and in the way in which it faces the problems of life in time. In thus impregnating with its influence the activities which flow from the acquired virtues and which are specified by ends that are immediately cultural, Christianity communicates its own impetus, so that they march with a surer, quicker, lighter step towards their own cultural ends; one can say of them what the Vulgate says of those who hope in the Lord: "they shall take wings as eagles; they shall run and not be weary; they shall walk and not hunt" (Isa. xl. 31).

B. Cultures Illuminated by the Kingdom of God; but the Cultural Work thus Sublimated Itself Outside the Kingdom

Should we attribute these spiritual influences which orientate temporal things to a last end, rectify and invigorate them, to the temporal or to the spiritual order, to the Kingdom of God, or to the world of culture?

Formally considered they belong to the Kingdom of God. They affect the world of culture, the philosophic, economic, social, political and artistic life of a people, but they do so as an analogical cause which remains transcendent to its effects. The ray of grace and truth which falls on a culture and operates to heal its wounds and sublimate it, belongs indeed to the Kingdom of God. It is as it were an overflow from that Kingdom, tending to rectify and inspire the stuff and environment of a world in which other influences also—those of man, those of the devil—play their part. So that a culture, a civilization, even Christian, can be said to belong to the Kingdom of God not properly but only in a certain respect, only to the extent to which it receives the rectifications and illuminations we have mentioned.

So then, while the spiritual influences affecting a culture belong formally, and in themselves, to the Kingdom of God, the cultural work itself on which these influences fall is, properly speaking, exterior to the Kingdom.[1] It belongs to the temporal sphere. It derives immediately from human energies and resources, from acquired virtues and habits, which may be aided and

[1] We shall therefore not say, with Francis of Vittoria, that "the Church in its entirety is a single body, civil society and spiritual society not making two bodies but one" (*Releclio Prior, De Poleslate Ealesiae,* edit. Gctino. Madrid-Valencia 1934, vol. II, p. 74). Vittoria clearly distinguishes the temporal and spiritual powers, but he encloses both in the Church. We shall return further on to the medieval tendency to include the secular Christendom and the State in the Church. It is strong in Soloviev. It must be admitted, writes Fr. S. Tiszkiewicz, S.J., that "Soloviev, in spite of his enthusiasm for the prindple of the Papacy had, at the time he wrote *Russia and the Universal Churchy* no very clear idea of the divino-humanity of the Church. As regards the human element in the Church we find an exaggeration, a reduplication; there are, as it were, two bodies: on the one hand the social body proper to the Church as distinct from other societies, a visible body with the Pope at its head, and on the other the Christian State, governed by an ideal monarch, the State being almost a part of the Church. We are far from Moehler's *Symbolik,* which brings out so strongly the supra-national character of Christianity." The same author adds: "Vladimir Soloviev has done us much barm in the eyes of the Orthodox . . . His theocracy presents Catholicism in a light that makes it unacceptable to them. But wc must pardon him this ill service . . ("La théologie moehlériennc de l'unité et les theologies pravoslaves in *UÉglise est une, hommage à Moehler,* Paris 1939, pp. 276 and 290).

vivified by the spiritual but function here as temporal agents and for temporal ends.

The temporal should subordinate itself, as I have said, to the spiritual, not to abdicate, not to renounce its own nature, not to allow itself to be absorbed; but, on the contrary, to save its true temporal nature, so that, thanks to the purifying and elevating influence of the spiritual, it may tend of itself to its own better temporal development; as the flora and fauna of a country feel the benefit of a favourable climate without in any way being withdrawn from the laws of vegetative and sensitive life. From the standpoint of efficient causality wc might say that spiritual energy acts on the temporal, as a principal cause of higher rank acts on lower principal causes; it penetrates and elevates them. From the standpoint of final causality we might say that the temporal is ordered to the spiritual as an intermediate end might be, which, while having its own native dignity, is nevertheless referred to a higher and ampler end. This, for example, in animals the vegetative functions (respiration, nutrition, reproduction) arc modified and elevated by contact with sensitive life—their primary value lies in themselves, but they are besides referred to sense experience, which is something of a higher order. The subordination of the lower efficient cause to the higher, of the intermediate or infravalent end to the higher and supravalent, being essential and intrinsic, wc can speak of an essential and intrinsic subordination of the temporal to the spiritual. Thus subordination is of such a nature that the sources of temporal activity in no way lose their character as principal causes (lower), so as to be changed into mere instruments of the spiritual; and that the ends of temporal activity in no way lose their character as ends (intermediate, infravalent), so as to become mere means to the spiritual. The distinction, subtle perhaps, but capital, between a lower principal cause and a mere instrument, and the corresponding distinction between an intermediate end and a pure means, should never here be lost sight of; the lower principal cause acts by virtue of its form, of its nature, the motion it receives being only the *condition* of its activity; whereas the pure instrument docs not act of itself at all, the motion it receives being the *total cause* of its activity. Similarly, the intermediate end is, *absolutely speaking,* an end, something desirable for its own sake; it is only in a certain sense that it is a means, something desirable for the sake of something else; whereas the pure means is desirable *solely* for the sake of something else.[1]

[1] " Duplex est causa agens, principalis ct instrumentales. *Principalis* quidem operatur *per virtutem suae formai* cui assimilatur effectus . . . Causa vero *instrumentalis* non agit per virtutem suae formae, sed *solum per motum quo movetur* a principali agente: unde effectus non assimilatur instrumento, sed principali agenti " (St. Thomas, III, q. 62, a. 1). Cajetan explains how the autonomy of principal causes can subsist under the motion of the first cause, without which they would be reduced to the state of instruments: " Non enim causa secunda movet ob hoc *praecise* quia movetur, sed *etiam,* ex virtute propria . . . Stat causam secundam necessario moveri a prima, ct cum hoc, ipsum moveri modificari cx natura causae secundae; et sic movere causae secundae provenit non ex moveri *tantum,* sed ex moveri *et* modo proprio ipsius causae secundae " *(in* I, q. 19, a. 8, no. xiv). John of St. Thomas thus describes an intermediate end: " *Habet veram rationem finis,* etiam non ultimus (ric), *sed participatam,* in quo rationem medii *aliquo modo* induit; *simpliciter* tamen habet rationem finis,

C. Temporal Values Sublimated and Values Become Spiritual

In certain circumstances, of course, temporal activities can be treated as strict instruments of the spiritual; the acquired habits and virtues can function, with spiritual good in view, as pure instruments of the infused habits and virtues, and cultural values can be regarded as pure means to the spiritual. But when that happens the temporal is shorn of its own laws and ends, becomes itself spiritual so as to be incorporated in the spiritual, converted into the spiritual, absorbed into the spiritual; natural resources, acquired virtues and dispositions, things in themselves temporal or cultural—such as churches, religious houses, benefices, treasures of art, the languages needed for worship or for preaching, the liturgical chant—all these, on account of the direct use of them made by the Church and the immediate purposes to which they are referred, at once become spiritual.

Thus we admit that the acquired virtues and dispositions, psychological resources, and temporal values in general, can be elevated by the spiritual in two typically different ways. *First*—while they are still functioning as *principal second causes,* according to their own laws and within their own sphere, but under the rectifying and illumining influence of the spiritual order and of the Gospel virtues. We shall then have a Christian philosophy, a Christian economy, a Christian sociology, a Christian politics, a Christian art, in short, a culture that is Christian but distinct from the Church and from the Kingdom of God: Christian culture then being the domain of human and temporal life restored and inspired by the Gospel, and the Church being the Kingdom of life divine and eternal. *Second,* temporal activities and values can function as *pure instruments* of the spiritual: they will then have been taken up out of their own plane to be reintegrated and reabsorbed into the Kingdom of God.

D. The Spiritual Light's Union With the Temporal for the Building of a Christian Society

Spiritual influences acting on the temporal for the good of the temporal, to orientate, inspire and sublimate it, are subject to two phases which ought to be carefully distinguished.

In the first place, such influences operate by way of men, clerics or laymen (the latter being bearers of Catholic action, one of whose ends is to Christianize the temporal human order) who work in the name of the Church and engage her responsibility; they arc acting in their capacity as Christians, *as*

quia simpliciter est appetibile, licet participative: sicut substantia creata est ens per se, participative tamen ab increata " *{Cursus Phil., Phil. Kat.,* I pan, Vives cd., vol. II, q. 13, a. I, p. 242). Further on he thus distinguishes the principal cause and the instrument: " Propria et formalis ratio causae instrunientalis, ut distinguitur a principali, consistit in eo quod operetur ut motum a principali agente, si ' ut motum ' dicat *totam* virtutem et rationem operandi; non vero si dicat *solam ccncausam coopaankm,* vel *amdilitmm* requisitam " (ibid., vol. II, q. 26. a. 1, p. 4.39).

such, as members of Christ and citizens of the Kingdom of God, to safeguard certain primordial and permanent temporal values, the radiant centres of cultural life. The presence of these values appears to be morally necessary to the normal exercise of the spiritual life itself, in the general run of men. Thus, in the doctrinal order, the Church takes up on its own account the defence of certain fundamental truths concerning the nature, life and destiny of man, concerning social justice, the civic conscience, the rights and duties of political society, the origin of authority, the unity of the human race and the solidarity of all men. These truths arc in substance temporal—they arc spiritual only for the radiance they receive from Christianity, for the Christian light[1] that confirms and illuminates them; and they represent a frame of reference, the touchstone, if you will, by whose aid we may appreciate and judge the broad tendencies of the world of philosophy, art, and the moral, social and political sciences. Thus again, but now in the practical order, the Church takes up on her own account the defence of certain virtues indispensable in the work of civilisation, virtues such as humanity, friendship, loyalty, fidelity, justice, clemency, generosity; more generally and more profoundly, she strives to foster an attitude of soul, a spirit, in which all cultural problems should be taken up, an attitude, a spirit, which flows from and finds its highest instance in divine charity, and is capable of marvellously purifying and elevating the civilizing virtues. Here then is the first way, the first phase, we have to deal with: the spiritual ray that lights up the temporal here remains pure, undivided, unalloyed.[1]

Taken at this first stage, the influence of the spiritual is capable of preparing the Christianization of a culture; it may favour a Christian style in politics, economics, philosophy and art, impregnating these with Christian principles and a Christian spirit. But it is essentially incapable of setting a society on foot, of giving existence to a cultural whole and bringing it to a successful issue. The construction of a temporal society, the building up of a civilization, demands activities and means that are properly human. But the men who set about these temporal tasks, if Christian, if regenerated by grace, will work *as Christians,* with a Christian conscience and without even

[1] This light is supernatural only *quoad modum.*

[1] It has been remarked that the passage of the Encyclical *Pascendi* condemning the error that "every Catholic, because also a citizen, has the right and the duty to pursue the public good in whatever way seems best to him, without troubling about the authority of the Church, or taking account of her wishes, counsels, commands, and even despising her reprimands" (Denz., 2092), can be applied under two different heads. First, under the special head of the "defence of the altar" of the immediate defence of the spiritual, including interests ordinarily temporal, but become *hie el muu,* spiritual; "the Church herself here takes the initiative in the Christian's political act or refusal", and this kind of intervention engages "civic Catholic action", a branch of Catholic action. Secondly under the head of the *moralformation of the citizen's conscience,* cf. Jacques Maritain, *True Humanism,* p. 293: "With regard to the temporal order itself [there is] a zone of truths connected with the revealed truths of which the Church is the depositary, and which directs from above Christian thought and temporal activity; thus the Encyclicals of Leo XIII and Pius XI have elaborated the principles of a Christian political, social and economic *udsdom,* which does not descend to particular determinations of the concrete, but which is like a theological firmament for the doctrines and more particular activities engaged in the contingencies of the temporal sphere." cf. above, p. 186, n. 4.

provisionally setting God and Christ aside.1 Then appears the second stage, the second phase of the penetration of the spiritual into the temporal. It is brought about by Christians dedicated to the maintenance and progress of culture, living in the midst of the complexities of technical life, who therefore cannot pretend to engage the authority of the Church; for this transcends all the divergencies, oppositions, and legitimate conflicts between civilizations. The spiritual radiance that here falls on the temporal is the more divided and refracted the more it penetrates the temporal shadows; it demands to be associated with a multiplicity of ephemeral manifestations of cultural life so as to be embodied in them and by them; with the various types of political regime, the various efforts at economic amelioration, the various branches of work and technique, the various styles of art, the various vocations of peoples and races. Its destiny is to be broken up so as to enter into partnership with every' honest attempt at cultural improvement, even when these attempts are in opposition to each other.2

1 " To make Christianity an abstraction, to put God and Christ on one side while I work in the things of the world, is to cut myself in two halves: one Christian half for the things of eternal life,—and for the thing! of time a pagan or semi-Christian, or neutral half, i.e. something infinitely feeble, or idolatrous of the nation, or the race, or the State, or of bourgeois prosperity, or the anti-bourgeois revolution, or sdmee, or art, made into final ends. Such a division of self is only too frequent in practice . . . When we take note of what it represents in reality, when we apply the light of the intelligence to the formula, we sec that it represents a death-dealing absurdity ... In reality, the justice of the Gospel and the life of Christ within us, want the whole of us, to take complete possession of us, to impregnate all we are and all we do. in the secular as well as in the spiritual order. Action is an epiphany of being. If grace takes hold of us and remakes us in the depths of our being, it is so that all our actions should feel its effects and be illuminated by it " (Jacques Maritain, *Tnu Humanism,* pp. 289-290).

1 If it is needful to distinguish twx> moments in the process of the penetration of the spiritual into the temporal, it is because " with regard to a work which is to descend to the last contingent realizations demanded by the senice of the temporal common good, the competence of an essentially spiritual activity quickly finds its limits. There is such a thing as a judgment *of Catholicism* on the relations between art and literature on die one hand and ethics and the moral capacities of normal men on the other; but this judgment will not tell me what to think about Joyce's books or Rimbaud's poems as works of art. There is such a thing as a judgment *of Catholicism* on the duty of working for international peace and on the principles of social justice; but this judgment will not tell me what to think about the forty-hours' week or the constitution of the United Nations. It is for me to judge as a Catholic (as far as possible with a Catholic mind, rather than with a Catholic party mind), but with no pretence to speak for Catholicism, nor to commit other Catholics as Catholics. It is not simply because the Church does not wish to be entangled and compromised in temporal matters that this distinction is to be made; it is because differentiations are involved that are bound up with the nature of things, and it is these that account for the Church's attitude. And it is finally because the honesty and integrity of the action—spiritual action on the temporal plane, temporal action on its own temporal plane—suffer from the neglect of these differentiations " (Jacques Maritain, *Questions de Conscience,* p. 182). cf. *True Humanism,* p. 291 : " If I turn towards men to speak and act among them, it can be said that on the first or spiritual plane of action I come among them *as a Christian—as such,* and in so far I engage Christ's Church; and that on the second or temporal plane of action I do not act *as a Christian as such,* but I should act *as* one who is a Christian, engaging only myself, not the Church, but engaging my whole self, not amputated or inanimate—engaging myself who am a Christian, who am in the world and work in the world without being of the world, who by my faith, my baptism, and my confirmation, tiny as I may be, have the vocation of infusing into the world, wheresoever I be, a sap and savour of Christianity **. cf. in this connection Cardinal Gasparri's distinction made in his letter " E noto ", to the Archbishops and Bishops of Italy on the subject of the clergy and politics, 2nd October 1922: " Assuredly the bishops and clergy, *as prizate citizens,* are not to be denied the right to have their personal political opinions

Here then arc the essential exigencies of the Church anxious to accomplish her double task, namely to safeguard her own existence, and to Christianize civil life, to defend the spiritual and to enlighten and inspire the temporal.

These exigencies, thus defined, will not of themselves suffice to account for the form taken in the Middle Ages by the intervention of the ecclesiastical authority in political matters. It aimed at fashioning a determinate type of Christendom, a "sacral" or "consccrational" Christendom. This form of intervention, which is not bound up with the essence of the Church, was justified in its main lines by conditions which we look upon to-day as having passed away for ever.

E. The Church, Though Not of the World, the World's Salvation

If wc reduce the problem of the relations of the Church with the State and, more generally, with human culture, to its essential elements and permanent features, it seems that we have to recognize two facts, both incontestable, but in union a seeming paradox.

First, the Church is so profoundly differentiated from the State, and her divine ends so completely transcend all merely cultural ends, that the law ruling their relations can be but a law of distinction; of themselves Church and State arc not in competition and should not conflict.[1] And further, from the fact that all human activities without exception, each in its own way, should help to bring about our return to God, the Last End of the whole universe, it is clear that the activities whose proximate end lies in terrestrial and temporal goods, have to be ordered, rectified, enlightened and sustained by the activities whose immediate end lies in heavenly and eternal goods; so that the spiritual, far from smothering the temporal and impeding its development, will alone be capable of bringing it to its full completeness; not indeed giving it existence, "instituere *ut sit*",[2] but giving it a purified and sublimated Christian existence, "instituere ut sit *perfecte et christiane.*" There wc have a received doctrine already found in Augustine[3]

and preferences, as long as they do no wrong to an upright conscience and to the interests of religion. It is not less evident that ar *bishops and clergy* they should hold themselves completely aloof from party struggles, and above all purely political competition. Practically speaking, it is true, it is not always easy to draw a precise line. It will not therefore be easy to determine in every particular case in what circumstances a given activity should engage the private citizen only, or the man whose duly gives him a public character. In doubtful cases, as also in those where the action of the bishop and clergy might compromise the religious interests they have in charge, the enlightened zeal of a good pastor of souls will not hesitate to abstain

[1] " The Almighty, therefore, has appointed the charge of the human race between two powers, the ecclesiastical and the civil, the one being set over divine, and the other over human things. Each in its kind is supreme, each has fixed limits within which it is contained, limits which are defined by the nature and special object of the province of each, so that there is, we may say, an orbit traced out within which the action of each is brought into play by its own native right " (Leo XIII, Encyclical *Immnrlale Dei,* ist Nov. 1885)«

[2] The celebrated formula of Hugh of St. Victor, reproduced in part in the Bull *Unam Sanclam,* relates to an historic moment in the relations between the Church and European culture.

[3] " Those who say that Christ's doctrine is harmful to the Republic, let them give us an army composed of soldiers comparable to those who profess the doctrine of Christ; let them give us

and in the Apologists of the preceding centuries; the Popes of our own day have not ceased to recall it. It opens the Encyclical *Immortale Dei* on the Christian constitution of states: "The Catholic Church, that imperishable handiwork of our all-merciful God, has for her immediate and natural purpose the saving of souls and securing of our happiness in heaven. Yet in regard to things temporal she is the source of benefits as manifold and great as if the chief end of her existence were to ensure the prosperity of our earthly life." It is found again in the Encyclical *Ubi Arcano, of* the 23rd December 1922, in which Pius XI writes that the Church "far from diminishing the power of temporal societies, each legitimate in its place, happily perfects it as grace perfects nature", and that "if, in virtue of her divine mission, she looks only to spiritual and imperishable goods, yet by reason of the harmonious interconnection of all things, her action contributes even to the earthly happiness of each man and of human society as effectively as if she had been established expressly to promote it." In the measure in which it departs from Christianity the movement of history gets out of control, the higher cultural values take second place, might gains upon right, the spirit of hatred supplants the spirit of concord; respect for the human person, the rights of other classes, of other peoples, of other races arc despised; the sanctity of treaties and of agreements is trampled under foot.[*]

citizens, husbands and wives, fathers and children, masters and servants, rulers and judges, taxpayers and tax-collectors like those who profess the doctrine of Christ. Then let them dare to say that this doctrine is contrary to the Republic! Rather let them not hesitate to admit that if only it be obeyed it is the great salvation of the Republic ; [magnam si obtemperetur salutem esse reipublicae] " *(Epist. auxziii* 15). c£ the apostrophe to the Church in the *D< Moribus Ecclesia* Catholice*,* lib. I, cap. xxx, $3: ·· Thou bringest into the bond of mutual charity every relationship of kindred, and every alliance of affinity. Thou teachest servants to cleave to their masters from delight in their task rather than from the necessity of their position. Thou renderest masters forbearing to their servants from a regard to God their common Master, and more disposed to advise than to compel. Thou unitest citizen to citizen, nation to nation, yea, man to man, from the recollection of their first parents, not only in society but in fraternity. Thou teachest kings to seek the good of their peoples; thou counsellest peoples to be subject to their kings. Thou teachest carefully to whom honour is due, to whom regard, to whom reverence, to whom fear, to whom consolation, to whom admonition, to whom encouragement, to whom discipline, to whom rebuke, to whom punishment; showing both how all are not due to all, and how to all love is due, and how injury is due to none."

[*] On the remedies which the Church might provide for die pacification .of the world Pius XI writes in the Encyclical *Vbi Arcano Dei,* that she has " an inexhaustible capacity to cut out of human life and domestic and civil society the plague spot of *materialism,* which has already wrought so much damage diere, and to replace it by Christian spiritual discipline of the immortal souls of men, which is so much more powerful than mere philosophy; the capacity also to unite among themselves all classes of citizens, and indeed the whole people, in a sentiment of higher benevolence and in a kind of brodierhood, to defend the dignity of each particular man . . .; die capacity lasdy to see that all shall be inwardly informed by God's teachings and laws, so that the minds of all men, private persons and rulers, even the public institutions themselves, shall be penetrated by a sense of religious duty . . . When therefore states and peoples shall hold it as their sacred duty to rule their political life at home and abroad by the teachings and laws of Jesus Christ, then indeed they will be able to enjoy an inward peace, to live together in mutual confidence, and settle peacefully all conflicts that may arise." cf. also the great words of Pius XI in his discourse of the 24th December 1938: " We would remind all and each *that only that is truly andfully human which is Christian,* and that *what is antichristian is inhuman,* whether it concern the common dignity of the human race, or the dignity, liberty and integrity of the individual, for whom, saving the necesary co-ordinations and co-operations, society exists, even as die individual man is ordered to God, Creator

But if the *law* of the relations of the Church with the State, of the spiritual life with the cultural life, is a law of concord, we arc bound to note and admit that *in point offact* such concord is a very rare achievement, an equilibrium attainable only with effort, a prize to be won in daily battle. Hostile forces, veiled or open, work unceasingly against it. They are at work, not indeed in the Church as such, since she is holy and unstained, but in those of her children who easily yield to the solicitations of nature, become victims of error, passion, and sin; they arc still more busily at work in social or political movements, in cultural tendencies, in the very heart of those states that take their stand on the cult of riches, the pride of life, and all the other ideologies that thrust aside and despise the holiness of the Gospel. The revelation of St. Paul on the divine origin of the political power, and its fundamental harmony with Christianity, is completed by the terrible revelation of St. John on the diabolical use of the political power as exploited by the Dragon against the Church,[1] and on the mortal warfare that goes on till the end of the world between the Woman and the Beast.

F. The Law of the Duality of Church and State Valid Only for Time: the Church's Eventual Re-Absorption of the World

It is not the diabolic powers alone, nor the forces of concupiscence alone, that seek to set the Church against the world, grace against nature; there is something else, more subtle. Even to angelic natures, exempt from all passion and disorder, divine grace could seem to come as something alien, so that they could be startled and taken aback when it was proffered and sin made possible for them.[2] It is not surprising therefore that the Church, which is the kingdom of grace, should feel in some sense an exile among human societies: that she should disconcert them by the splendour of her revelation, and frighten them as soon as she tries to spread her wings. "The neighbourhood of Eternity is dangerous for the perishable, and that of the Universal for the particular."[3] There is a reason for this mystery': the law of duality

and Saviour, to whom all should cry out: *Deus meus es Tu;* and also: *Dilexil me el tradidit semetipsum pro me! " (Doc. Cuth.,* 20th January 1939). That international good faith, respect for neighbours and for the inviolability of die human person are not hindrances to a realist politics, but arc, on the contrary, the supreme political values, so that politics should regain its place among the moral sciences; that these political values are dependent on religion " teaching man the bonds that unite him to God "—one cannot but congratulate the statesman who said all this and meant it, as Mr. Roosevelt did in his speeches of October 1937 and January 1939.

1 cf. also St. Luke iv, 5-6: " And the devil led him into a high mountain, and showed him all the kingdoms of the world in a moment of time. ?\nd he said to him: To thee I will give all this power, and the glory of them;*for to me they are delivered, and to whom I will I give them."*

5 It was natural for the angels to turn towards God as the principle of their natural being; but it was not natural for them to turn to God as the object of supernatural beatitude; and it was this that enabled them to sin (St. Thomas, I, q. 63, a. i, ad 3. cf. *De Malo,* q. i6, a. 3.)

' Paul Claudel, " A la Trace de Dieu " *Positions et Propositions,* 1934^ vol. II, p. 83. cf. pp. 79-82: " Rivière remarks, along with many others, that the Church accommodates herself indifferently to all regimes, provided they' only leave her free to follow her own divine vocation. But he cannot refrain from putting his finger on a very significant fact: that since the beginning the Church has always and everywhere had difficulties with all forms of society and State, even those that

and accord, which rules the relations of Church and State, of the spiritual kingdom and the cultural world, is valid only while the Church is in time, still a kingdom in chrysalis, a crucified kingdom, and the law of her activity is but a law of sanctification. When she has passed the frontiers of eternity to enter, as St. Augustine says, the liigher City, "the age in which all principality and power shall vanish", when she has become a kingdom fulfilled, a kingdom of glory, when the law of her activity has changed into a law of transfiguration, then there will be no more distinction between the temporal and the spiritual, because there will no longer be our time, nor our historical movement, nor our culture and cultural progress; the law of duality will be dissipated in the splendour of the heavenly City, and the final kingdom, fully delivered, will absorb into itself the new heaven and the new earth, and all that is other than hell.

III. THE REGIME OF SECULAR CHRISTENDOM

I. CONSECRATIONAL CHRISTENDOM AND SECULAR CHRISTENDOM

Under the influence of the kingdom of grace, that is to say, in a Christian climate, we can envisage the flowering of two general types of political regime.[1]

Those of the first type—which are not to be dreamed of save in a region populated exclusively or mainly by Christians, indeed by visible members of the Church of Christ—seek to form a political unity of Christians alone, or visible members of the Church alone; granting civic rights to no others.

Those of the second type would try to weld into a political unity all the inhabitants of a region, granting citizenship to all no matter what their

seem to borrow their own constitutive principles from her. Whether she deals with Roman or Byzantine Emperors, or barbarian princes, feudal chieftains, or communes, or Christian kings, with the revolution or the Emperor Napoleon, or Louis-Philippe, or Victor Emmanuel, or the French Republic, or the Czan, or the Bolsheviks, or the Protestant sovereigns, or the Chinese or the Indians, Japanese, .-\rabs, Turks, Redskins, or the savages of Africa or Oceania, *there is always something that does not go smoothly and ends in disputes, persecutions, end martyrdoms . . .* Behind the provisional forms of the State lie the great natural principles on which human societies rest—honour, family, fatherland, property—and religion will not accept even these without reserve and without control; she knows how easily they can run amok, she declares that she is greater and stronger than the)· are, she denies their *a priori* character, she believes that all their value comes from God and that no human relation can have any weight in the balance against the sacred bond that unites the creature to its Creator. When such an idea was introduced into the oriental societies, entirely based on the despotism of the family, we can understand that they trembled to their foundations." Not that there is any anti-social principle in Christianity. " He *ought rather to say that it contains an architectonic principle so energetic and so cast that no actual society is capable of wholly containing and coming to terms with it."* (An English translation of this essay appears in *Ways and Crossways,* London 1933, p. 89).

[1] I am convinced of the capital importance of the distinction between two conceptions, two Christian realizations of the temporal: the " sacral " or consecrational Christian conception, and the " profane " or secular Christian conception—a distinction which lies at the heart of Maritain's *True Humanism.*

religion, but directing them to temporal and political ends which Christianity would regard as legitimate and would not disavow.

In the first case, Christian values permeate the whole political order; the notion of Christianity, of visible membership of the Church, enters into the ver)' definition of the citizen. That is the Christian consecrational conception of the temporal regime. In the second case, Christian values affect the political order from without, to sustain, enlighten and sublimate it; the notion of Christianity, of visible membership of the Church, remains outside the definition of the citizen; it designates only a perfect *way* of being a citizen, distinguishing a spiritual family of citizens. That is the Christian secular conception of the temporal regime.

We may use the word "Christendom" in a limited and recent sense,1 not directly of the Church nor yet of her successive stages of development and internal organization, but directly of a certain temporal regime of peoples who welcome her, a certain cultural complex which she maintains and inspires, a Christian civilization, a Christian world.2 In this sense there are two possible realizations—not univocal, but proportional and analogical—of the idea of Christendom, two specifically distinct types of Christendom: the consecrational and the secular.

2. *TWO WAYS OF JUSTIFYING A SECULAR CHRISTENDOM*

i. The legitimacy, indeed the necessity, of a secular Christian temporal organization, of a Christendom of the secular type, stands clear when we consider the position of a political power which, while fully resolved to build a Christian political order, finds itself obliged to unite on the plane of civic life, citizens of a single region but varying religious belief. The principle is incontestable that, since faith is something interior, no one is to be constrained to it.3 The political power we have in mind cannot allow the consciences of any of its subjects to be forced, and cannot but take cognisance of the multiplicity of the spiritual families to which they belong; it will practise "civil tolerance". Its whole function, its whole effort, will be to unite these people as citizens and on the temporal plane, following political rules of Christian inspiration, both as regards means and ends.4

1 To want to preserve or restore as it stood the medieval use of this word " Christendom ", designating a complete temporal organization, would be to want to stop the historical dock, or put it back.

3 The expression " Christian world " is not necessarily a contradiction as some Barthians maintain; St. Augustine had already noted that in Scripture " the world " is taken now in a good, now in a bad, sense *(Opus Imperfect., Contra Julianum,* lib. IV, i8). However, I do not regard a Christian cultural complex, a Christian world, as something simple and unmixed: it comprises divine and sanctifying influences no doubt, but also man's part, and the devil's part. The Church alone is wholly pure; the devil has no part in her; but he has, unfortunately, in her children.

3 Speaking of the heathens and the Jews, St. Thomas declares that they cannot be forced to believe "quia credere voluntatis est" (II-II, q. to, a. 8). That applies to all who are bom of dissidents.

4 In his allocution to Italian jurists of 6 Dec. 1953 (A.A.S., 1953, p. 794), His Holiness Pope Pius XII poses the problem of the civil toleration of diverse religious forms in a new way, and in terms of a world community of peoples: " The duty of keeping a check on moral and religious

There will be no question of falling into "dogmatic tolerance", which regards all forms of belief or unbelief as equally acceptable, or of seeking some doctrinal minimum common to all the citizens, believing or unbelieving; the sole problem will be how to go to work practically for the realization of a common temporal regime. Undoubtedly the Christian political effort "comprehended in the fullness and perfection of the truths which it implies, takes in all Christianity; yes, the whole of Christian ethics and dogmatics: it is only through the mystery of the redeeming Incarnation that a Christian sees the proper dignity of human personality, and what it costs. The idea which he has of it stretches out indefinitely, and only attains the absolute fullness of its significance in Christ." But by the very fact that it is "secular and not sacred, this common task does not in the least demand in its beginnings a profession of faith in the whole of Christianity from each man. On the contrary, it includes in its characteristic features a pluralism which makes possible the *convivium* of Christians and non-Christians in one temporal city. Hence, if by the very fact that it is a Christian work it supposes by hypothesis *that those who take the initiative will be Christians,* with a full and total comprehension of the end to be attained, *yet it calls to work all men of goodwill,* all those whom a grasp more or less partial and defective—very defective it may be—of the truths which the Gospel makes known in their plenitude, disposes to give their practical help (which may not be the least devoted or the least generous) in the achievement of their common task. It is here that the text has its fullest force and application: *he that is not against you is for you"* (Mark ix. 3g).1 It would be to misapply it to behave

aberration cannot be an ultimate norm of action. It should be subordinated to norms which arc *of a h^her and more general order* and which, *in certain ciraanstances,* permit—and even cause to appear as the better course—the non-prevcntion of error for the sake of the promotion of a greater good." (The italics are in the text.)

1Jacques Mantain, *True Humanism* pp. 200-201. cf. p. 160: the error of theological liberalism would be to pretend " that because all human opinions of whatever kind have a right to be taught and propagated, the commonweal should be obliged to recognize as licit for each spiritual group the law worked out for that group according to its own principles ". But, says Maritain, " that is not my meaning. To me this principle signifies that in order to avoid greater evils (which would be the ruin of the community's peace and lead to the petrifaction—or the disintegration—of consciences) the commonweal could and should tolerate (to tolerate is not to approve) ways of worship more or less distant from the truth: nftu *infidelium sunt tolerandi* was the teaching of St. Thomas (1-II, to, 11); ways of worship and thus also ways of conceiving the meaning of life and modes of behaviour; and that in consequence the commonwealth would decide to accord to the various spiritual groups which live within it the juridical status which the city *itself m its political wisdom* adapts on the one hand to their condition, and, on the other, to the general line of legislation leading towards the virtuous life, and to the prescriptions of the moral law, towards whose fulfilment in the fullest obtainable degree it should endeavour to direct this diversity of forms. Thus it is towards the perfection of the natural law and of Christian rectitude that the pluriform juridical structure of the city would be orientated, even in its most imperfect stages and those which are farthest from the ideal of Christian ethics. The positive pole of its direction would be integral Christianity, the various degrees which arc more or less remote or diverted from this end being ordered according to its political wisdom. Thus the commonwealth would be vitally Christian, and the various non-Cbristian spiritual groups included in it would enjoy a just liberty." And again in *Freedom in the Modem World,* p. 65, note 1, having recalled the formula attributed by Montalembert to the Catholic opponents of liberalism, and later attributed (wrongly) by Jules Ferry to Veuillot: ' When I am the weaker, 1 claim freedom from you since it is your principle; when I

"usually without admitting it to oneself, *as if* the political city could not be usefully served except by Catholics."[1]

How, from a Catholic standpoint, can a fraternal accord and partnership on the spiritual plane, between believers of different denominations, be brought about? How could such a partnership be made to result normally in co-operation on the plane of temporal and secular life? These delicate questions were treated by Maritain in a conference at the fourth *World Congress of Faiths.*[2] On the religious and spiritual plane, the basis of this partnership "is not in the order of intellect and ideas, but of that of the heart and of love: it lies in friendship, natural friendship, but first and before all in mutual dilcction in God and for God . . . Love is not given to essences, or to qualities, nor yet to ideas, but to persons, and what we are concerned with here is the mystery of persons and the divine presence within them. The partnership in question is not a partnership of beliefs, but a partnership of men who believe . . . In the fraternal dialogue envisaged there is a sort of forgiveness, of remission, not bearing on ideas—they deserve none if they are false—but on the state of those who go along with us. Every believer knows that all men will be judged, himself along with the others; and that neither he nor the other is God, and able to judge the other. And what either is in the eyes of God neither knows. Here the Gospel's *Nolite judicare* applies in all its force." Of this friendship of charity "it will be false to say that it is *supra-dogmatic* and that it lives *in spite of* the dogmas of the faith; such a way of speaking is inadmissible for all to whom God's word is as absolute as His unity and His transcendence." But it is *supra-subjeclive* in this sense, that it brings recognition that the other man exists "not as mere accident of the empirical world, but exists in the sight of God and has a right to exist. Love and charity, while still holding to the faith, help us to recognize all the truth and dignity, all the divine and human values, in beliefs that are other than our own; it makes us respect them, it urges us unceasingly to seek in them all that bears the stamp of man's original greatness and God's loving-kindness and generosity." That amounts to saying that "it inevitably involves a kind of tearing apart of a heart fixed on the truth it loves, and fixed also on the neighbour who ignores or misapprcciatcs this truth." That

am the stronger, I take it from you, since that is my principle Maritain adds: No one assuredly professes such a doctrine. If one is to make sure, however, of being no party to it without falling into the error of Montalembcrt himself, in order in other words to effect a real reconciliation between non-Libcralism and Liberty and not to rest in the use of expedients or in the order of intention only, it is, we think, difficult to avoid recourse to a solution of the pluralist type that is sketched here/* The notion of the "State *vitally* Christian" has been opposed to that of the "State *decoratively* Christian" by the same author in *The Rights of Man and Natural Laic,* p. 16 *(Les droits de Γhomme et la loi naturelle,* 1942). Wc arc not to accept the errors of Montalembcrt or those of Donoso Cortès, for whom (1) the Church is compatible with monarchy only; (2) the Church considers almsgiving as an adequate solution to the social problem; (3) the Church and the Army are today die two representatives of European civilization (sec my article "Pourquoi Joseph de Maistre ct Donoso Cortes ne sont pas nos maîtres'*, in *Nova et Vetera,* 1949, p. 193). For Lamennais, see Jacques Maritain's searching critique of his errors in *Raison et Raisons,* Paris J947, pp. 280-3.

1 *Questions de conscience,* p. 203.

2 Printed in *Vie Intellectuelle,* August 1939, under the title of "Qui est mon prochain?"

is all we can do on the religious plane. From the Catholic standpoint there can be no other *rapprochement* than that of charity. We cannot "enter any sort of communion less intangible, more determinate, more visible, expressed in some common intellectual symbol or sacred form. But, *on the plane of temporal and secular life,* this *rapprochement* ought to be expressed in common activities, should be *signified* in some more or less strict co-operation having concrete and determinate objects in view—whether there is question of the common good of the political society to which each of us respectively belongs, or of the common good of the whole of our temporal civilization." A common activity supposes common principles. What community of doctrine in men whose religious convictions are different, will be capable of holding them together in positive co-operation for the good of civilization?

For answer let us recall (i) that men are fundamentally united as having a common nature; (2) that the immediate end to be practically achieved is in the natural order. That granted, we can go on to say that " the unity of the earthly task and the temporal end pursued necessarily suppose a certain community of principles and of doctrine, but not necessarily—however desirable, however evidently better and more effective it may be in itself—a strict and pure and simple doctrinal *identity:* it suffices that the principles and doctrines should have a unity of likeness or proportion, let us say in the technical sense of the word, *of analogy,* regard being had to the practical end in question, which, although referable to a higher end, is of itself in the natural order, and is doubtless conceived by each party in the light of the principles proper to each, but in its existential reality is extraposed to these conceptions." We know of course when we speak in this way that "a complete doctrine, founded on Catholic teaching, can alone bring an entirely true solution of the problems of civilization." Thus the law of fraternal love, "which either party understands with different theological and metaphysical connotations, and which for Christians striving to fulfil a radical—but terribly contradicted—tendency of our nature is the second commandment like unto the first", implies at least the practical and implicit recognition of high spiritual values, such as the existence of God, the sanctity of truth, the value and necessity of goodwill, the dignity of the person, the spirituality and immortality of the soul, no matter what theoretical doctrines may be explicitly professed on these points. In this way, men with different religious convictions can collaborate not only, as is evident, "in establishing a technique, in putting out a fire, in helping the hungry and sick, in stopping an aggression. But it is possible—if the analogical likeness between their principles of action just mentioned really exists—that they should co-operate at least and above all in procuring the primary goods of earthly existence, in activities that bear on the good of the temporal city and civilization and the moral values invested in them." "They will work together for the good of the human city not under cover of any mere equivocation, but in the community of the analogy between principles, movements and practical proceedings implied by the common recognition of the law of love, and corres-

ponding to the primary inclinations of human nature. And why should I conceal the fact that for me, a Christian, according to whose faith one only Name has been given to men whereby they can be saved, that even in the temporal order this community of analogy supposes *a first analogue* which is purely and simply true? and that implicitly it is to Christ, known to some, unknown to others, that there tends in the end, under more or less pure, more or less perfect forms, all authentic love that works in this world for the reconciliation of men and for the common good of their earthly life?"

It goes without saying that under a secular as under a consecrational regime the earthly city, as such, has its duties to God, that it ought to show itself deeply religious and Christian, that it should effectively collaborate with the Church.[1] But to fulfil these duties it will neither have to constrain men to some sort of confessional conformity, nor to set up any interconfessional cult. Its Christianity will be shown in the elevation of its temporal ends, the purity of its chosen political means, its public acknowledgement of those Christian values on which all the sanctity of the temporal order depends, and the unfailing respect in which it holds the rights of the Church. It is even conceivable, in a secular regime, that the canonical power might have recourse to the secular arm; not, of course, under its medieval form and as touching all the citizens, but those only who belong to the Church?[2]

2. There is a second and more general justification, based on the nature of things, for the existence of a Christian temporal order of the secular type. If the spiritual and temporal spheres are essentially distinct, and if the second is, in itself, subordinate to the first, it is easy to foresee that in tire organization of their relations two great successive periods, two historical epochs, will be distinguishable.

The first of these will begin at the moment when the supremacy of the spiritual order is publicly recognized. Then, on account of the extraordinary power of attraction inherent in spiritual values, they will inevitably begin to envelop, enwrap, and embrace all values of the temporal order, so that these latter will seem in a way to be based on them, or, more exactly, withdrawn behind them, hidden in them, renouncing all ambition for the time being to assert their difference and emphasise their originality.

The second legitimate period—(leaving on one side the question, whether in practice it can follow the first without dislocations and dangers)—will begin at the moment when temporal values, though still fully recognized as essentially and intrinsically subordinate to spiritual, begin to be seen with a clearer consciousness of their own specific nature and rôle; as such they will

[1] On the actual mode of co-operation between the Church and the State in a secular regime, see the clarification provided by Jacques Maritain in *Man and the State*, Chicago 1951, pp. 171–9.

[2] See Maritain, op. cit., p. 161 : "The stock phrase, 'recourse to the secular arm,' that is, to civil law, to enforce, in certain circumstances dealing with the public order and the temporal domain, a canonic regulation concerning the members of the Church, means something quite different from the concept of the political power as being the secular arm or instrument of the Church. In a pluralistic society it is but normal that the particular regulations of an autonomous body may be sanctioned by civil law, from the civil society's own viewpoint, when the interests of the common good arc concerned."

be distinguished from spiritual realities, not in the least to be withdrawn from their influence, but, on the contrary', to achieve a dependence that is to be more conscious of itself, and more conformable to the respective natures of either. For the Church too will profit by this differentiation. It will allow her to appear all the more clearly to the world as the Body of Christ, as the Kingdom not of this world, but capable nevertheless of illuminating all the kingdoms of this world with the light of heaven.

To the first epoch corresponds the organization of a Christendom of the consccrational type. To the second corresponds the organization of a Christendom of the secular type. r\nd if the differentiation of which I have spoken represents a normal historical process, a genuine progress, it will be recognized by the understanding and wisdom of the Church as a good and desirable solution of the question of her relations with temporal powers. "Even supposing that religious divisions should one day come to an end, this more perfect differentiation of the temporal order would remain as a gain achieved—the distinction between *dogmatic tolerance,* which regards liberty to err as itself a good, and *civil tolerance,* which insists that the commonwealth should respect the rights of conscience, will remain stamped in the substance of the city."[1]

3. THE HISTORICAL ORDER OF SUCCESSION OF THE TH'O CHRISTENDOMS

After the Edict of Constantine the Graeco-Roman world was moving towards a Christendom of the consccrational type. To the reason for this just given wc may now add other explanations of the historical order.

Ancient society, as Fustel de Coulanges has convincingly shown, rested on a confusion of the divine and the social, of the religious and the political.[3] Christianity—and in this is its miracle—was powerfully to revive the religious spirit, but by making a profound distinction between the religious and the political, the things of God and those of Caesar. However, this new and unexpected distinction could not at once manifest all its consequences to the Christians who took over from the ancient world; and since it was consistent •with two forms of political organization, it was natural that the majority should first have looked to the consccrational form, more nearly allied to the old regime, and have given it the preference.

Did they have any choice in the matter? The Emperors themselves, in the attempt to reconstruct the Empire on the basis of the living forces of Christianity, were the first to consider the Christians as the sole true citizens of the

l Trut Humanism, p. 166.

1 Montesquieu has said that the Romans subjected religion to the State. The contrary, said Fuitel de Coulanges, is nearer the truth: u At Rome, as at Sparta and Athens, the State was enslaved to religion . . . This stale and this religion were so completely fused together that it was impossible not only to conceive a conflict between them, but even to distinguish one from the other" *(Ln M antiqtu,* p. 194). ibid., p. 257: " It was at the time of Cicero that it began to be believed that religion was useful to the government; but by then religion was already dead in souls."

Empire, and so to prepare the advent of a Christendom of the consccrational type. That at least seems to be suggested by Fr. Konstantin Hohenlohe: "The great social reform that was to culminate in the abolition of slavery and the remodelling of the Roman family was only made possible by discouraging the non-Catholics, for Catholics alone were prepared for these profound reforms, they alone had learned to respect the slaves and to lead a healthy family life ... It was more especially for political reasons that Constantine and his successors insisted with such a heavy hand on maintaining unity of faith in the Roman Empire. It emerges, both from one of Constantine's letters, and from his speech to the Council of Nicaea, that he turned to the Christians because, above all else, he found a social sense amongst them and a spirit of sacrifice hitherto unexampled. In the face of endemic military revolutions, the Church seemed to him to be the sole institution in which any belief in authority and any moral stability remained. Christianity appeared to him and his successors to be the only bond of unity that could prevent the dissolution of the Empire. If they served the unity of the Church, it was because this unity alone could serve their political designs. And that is why every attempt against this unity seemed, at the same time, to be an attempt against the State."[1]

The secular form of Christendom which in the abstract might have been the earliest in date, or even the only one to be realized in the concrete, in point of fact came after the consccrational form. The passage from one form to the other could hardly have been effected without a crisis. The end of a Christendom, if it is neither the end of the Church nor the end of the world, will certainly appear as the end of *a* world, and the birth of another. The crisis was in fact terrible. Instead of evolving normally towards a secular Christendom, medieval Christendom was ravaged by the wars of religion, by the disastrous error of theological liberalism, by the establishment of a regime of separation between the Church and the State, and lastly by the ideologies of Communism and Racism. It seems that a secular Christendom, however extensive and precious its inheritance from the past, is destined to grow[5] in the midst of ruins. The evil is immeasurable. But thanks to the divine omnipotence it may well, and all unwittingly, lend itself to the ultimate development of the Church. Thus the errors of theological liberalism and of the separation of Church and State, spread now over all the earth, seem to-day to be preparing the great pre-Christian civilizations of the East, and even certain peoples of the Near East, to reject the confusion of the religious and political orders and to recognize the doctrine of the distinction of the spiritual and temporal spheres?

1 *Einfluss des ChristaUums auf das Corpus Juris Cicilis,* Vienna 1937, pp. 5-7.

5 In China and Japan, the distinction becomes possible between " religious ceremonies" and "political ceremonies", between a " religious cult" and a "purely civil cult" given to the portraits of one's ancestors and images of Confucius—a distinction which, carried a little further, makes possible a solution to the " rites controversy' ".

IV. THE REGIME OF CONSECRATIONAL CHRISTENDOM

To the pagan religion, which in the ancient world was immersed in the social order and identified with the State, there succeeded the Christian. In the measure ofits triumph it brought into being an order in which spiritual things, not separated but definitively distinguished from the temporal, were to permeate them with the influence of the Gospel and organize them into a Christendom. The first of these historical Christendoms was of a type not yet concerned to draw out all the consequences of the differentiation of spiritual and temporal: first because such a task was premature, and next because, in view of the prompt religious unification of the peoples of the West and the diminution of conflicting beliefs within the confines of a single culture, it did not seem to be pressing. In this first type, which I have called consecrational, what notions would be formed of Christendom and of Christian civilization? How shall we characterize the medieval city, considered (i) in itself and in its intrinsic nature, and (2) with respect to the authority that ruled it? More precisely, how shall we (3) define the coercive power in general, and how explain the Church's responsibility for the infliction of the death penalty in the days of the Inquisition, and for (4) the wars in the days of the Crusades?

In this study of medieval Christendom it is not my purpose to write its history. Writing primarily as a theologian, I wash to establish two things—(1) the legitimacy and logical structure of this type of Christendom; and (2) its contingent and transitory character: for medieval Christendom with all its inevitable imperfections was not the only possible form of Christendom. It will then be my task to determine the powers that devolved upon the Church precisely on account of this historic type of Christendom; and finally to bring out the transcendence of the canonical power, its inalienable spirituality, and its distinction from the inferior powers that have sometimes accompanied it: which last is the chief purpose of the study as a whole.

I. THE NATURE OF MEDIEVAL SOCIETE

We do not need to grasp the nature of medieval society, but only the nature of the Church, to understand what heresy is in itself and at all times. But without grasping the nature of medieval society we should never understand the very special character which heresy took on at this epoch; nor why its social consequences differed profoundly from those of other forms ofinfidelity, those of the heathen, of the Jew, or the Moslem; nor the nature and forms of its repression in the Middle Ages.

A. Christian Values Integrated in the Structure of Soctr-t-v

It would be incorrect to describe medieval times as those of a confusion between the spiritual and the temporal. Since Our Lord's decisive utterance

about God's dungs and Caesar's, the two powers, even when united in a single subject, have remained for Christians formally distinct. But their interrelations were characterized in medieval society by the fact that the spiritual order did not confine itself to acting on the temporal as a regulator of political, social and cultural values. It tended besides, in virtue of an historically explicable process, to associate a part of itself with the temporal, to weld that part to the temporal, to become thus united with the temporal, a *component* element in the structure of society. The idea of "Christian" tended to enter into the definition of "citizen", and the idea of Christianity into the definition of society, not simply as an extrinsic cause and source of inspiration, but as an intrinsic cause and an integrant part. One had in fact to be Christian, a visible member of the Church, in order to be a citizen; society, in virtue of its constitutional principle, was made up of Christians only. Those who did not visibly belong to the Church were from the first dismissed society: the heathen over the frontiers, the Jews into ghettos. Those who, having first been Christians, afterwards broke with the Church, as heretics or schismatics, constituted a much greater danger—they shook the very bases of the new society and appeared as enemies of the public safety.

The medieval society was therefore a composite whole, an amalgam of the spiritual and temporal, in no wise demanded by the nature of things. What is required by the nature of things is the distinction of the spiritual and the temporal, and the subordination of the latter to the former, not their fusion as component parts of society; and another type of Christian society is always conceivable. But owing to various historical contingencies the medieval fusion was the best, perhaps even the only practicable, solution. In the measure in which the peoples of the West were converted to Christianity, they more and more expressly brought the qualification of "Christian" into the definition of citizen, the idea of Christianity into the definition of the society. They had clearly realised that "the divine law that comes of grace does not do away with human law that comes of natural reason", and that, "in itself, the distinction between faithful and unbelievers does not do away with the dominion and authority of unbelievers over the faithful".[1] But since the attempt was made in the concrete to establish a society constitutionally containing none but Christians, it was not enough to be a man to enter it; one had besides to be a Christian. According to a distinction suggested by James of Viterbo, in such a city the natural rights of man as man stood for the material and initial value; and a man's quality as a Christian, as a visible member of the Church, became the formal and perfective value.

A second characteristic of the medieval policy, which stems from that just described, and from the involvement of the spiritual in the temporal I have just mentioned, is that the dominant dynamic ideal was then that of force at the service of right, while today the ideal tends to be—in the

[1] St. Thomas, **II–II**, q. 10, a. 10.

non-totalitarian states at least—that of the conquest of freedom and the realization of human dignity.[1]

I have mentioned the very different position which the Middle Ages reserved for simple unbelievers (pagans, Saracens, Jews) on the one hand, and for heretics on the other.

B. The Juridical Condition of the Gentiles Without and Within Christendom

What, in Christian eyes, was the juridical condition of the Gentiles? What did St. Augustine think about it? What were the views of St. Thomas and his followers? What was the attitude of the Church?

i. St. Augustine's recognition of the legitimacy of political groups made up of unbelievers

The main lines of traditional thought in this matter are easy to make out. The texts that express it, far from refusing pagans all legal status, went so far even as to allow them (though outside the consecrational order) to exercise authority over Christians.

That is the burden of the distinction between the things of Caesar and the things of God, made in the Gospel and explained by the Apostle when he recommends the Christians of Rome to obey the constituted authorities, pagan though they were: "'Let every soul be subject to higher powers. For there is no power but from God; and those that are are ordained of God. Therefore he that resisteth the power resisteth the ordinance of God"

St. Augustine in his turn was often to recall that established authority, even in the hands of pagans, should be regarded as legitimate. He does so for example in his penetrating exposition of the Apostle's words written to undeceive Christians who, on account of their initiation into spiritual liberty, considered themselves free of all obligations towards the temporal city.[2] He does so again in his commentary on Psalm cxxiv where he describes the situation of the Christians under the Emperor Julian: "'The faithful soldiers served a faithless Emperor. Was it a question of worshipping idols, of offering them incense? They preferred God to the Emperor. Was it a question of mustering for battle, of marching on the enemy? They obeyed at once. They distinguished their eternal Master from their temporal master, and nevertheless for their eternal Master's sake they obeyed their temporal."[3] And even in the *De Civitate Dei,* after refusing unbelievers any knowledge of the true republic born of true justice, "of which Christ is the Founder and Guardian", he goes on to define the terrestrial republic, people, and city by

[1] See Jacques Maritain, *Sian and the Stale,* p. 160.

[2] *Expositio Quarumdam Propositionum ex Epistola ad Romanos,* propos. 72 (see above, p. 200, n. x).

[3] No. 7. St. Thomas, who cites this text, following Gratian (assigning it to St. Ambrose), oppose it to the rule that Christians have to follow in the medieval regime (II-II. q. 12, a. 2, obj. 1)

the pursuit of peace. The peace it pursues, not being the peace of Christ, can hardly be final, but it is not reprehensible either; indeed it is necessary to the City of God during its journey through mortality, and the City of God will not hesitate to obey the laws which guarantee it.[1] It is in these same texts that St. Augustine passes sentence on the pagan world and declares that, not having known true justice, " without which great kingdoms arc merely great robberies ",[2] it could not have known any true city. These severe views (which might be compared with St.John's maledictions against the Beasts of the Apocalypse, symbols of the powers of iniquity) helped in the Middle Ages to give birth to what H. X. Arquillièrc calls "political Augustinianism " : he characterises this as a "tendency to absorb natural law into supernatural righteousness, the law of the State into that of the Church", and considers it, with reason, as "a simplified and impoverished form of the great Doctor's thought, a remote and unforeseen consequence of certain pages of his works, a posthumous derivative of his teaching, in which he would certainly not have recognized his personal thought in its integrity".[3] However, if the teaching of Augustine was too narrowly interpreted by his successors, the truth he brought to light is clear. It is not a denial to the pagans of all legality, peace and true citizenship: it is the assertion that the temporal city cannot be perfect—that is to say based on true justice and true peace—save in dependence on Christianity. How deny, he asks, that the peace so much longed for by the earthly city is a good? And the earthly city itself is a still better good, by reason of the human race it harbours. But when this peace and good begin to be taken as the sole or supreme ones, then indeed catastrophe is on the way? In other words, the common good

1 If, as Cicero would have it, the republic, the city, should be defined by justice, the ancients never knew any republic, since true justice is not to be found save in the republic of which Christ is the Founder and Protector (lib. II, cap. xxi, 4). But " to adopt more acceptable definitions *[probabiliores],* it may be said that they knew a kind of republic, which was better administered by the first Romans than by their descendants " (ibid.). This republic was made of the union of those who, still far from God, sought a peace which was not blameworthy, the peace of Babylon (lib. XIX, cap. xxvi), necessary' to the City of God, which will not hesitate to obey the laws of the earthly city (ibid., cap xvii). cf. *Epistle cxxxiiii,* 17: " God thus showed, in the magnificent and illustrious Empire of the Romans, all that the civil virtues could do, even without the true religion *quantum valaent civiles etiam sine vera religione virtutem],* so that it might be understood that when this last should arrive, men would become citizens of another City whose king is truth, whose law is charity, and whose mode is eternity."

2 Lib. IV, cap. iv.

l L'augustinisme politique, p. 4. cf. Gustave Schnürer, *Kirche und Kultur im Mittelalter,* 3rd cd., Paderborn 1936, vol. I, p. 69. " St. Augustine considers the Roman state, in the measure in which it was founded historically on the cult of false gods, as a representative of the *civitas terrena.* But he no more denies all right and all worth to the State properly so-called than he does to the Roman state." In short, the terrestrial city is decomposed into the temporal or *political* city, and the mystical or *diabolical* city.

411 Non autem recte dicuntur ea bona non esse, quae concupiscit haec civitas [terrena], quando est et ipsa in suo genere humano melior. Concupiscit enim terrenam quamdam pro rebus infimis pacem: ad eam namque desiderat pervenire bellando . . . Hanc pacem requirunt laboriosa bella; hanc adipiscitur quae putatur gloriosa victoria. Quando autem vincunt qui causa justiore pugnabant, quis dubitet gratulandam esse victoriam et provenisse optabilem pacem? *Haec bona sunt, et sine dubio Dei dona sunt. Sed si, neglectis melioribus,* quae ad supernam pertinent civitatem, ubi erit victoria in aeterna et summa pace secura, *bona ista sic concupiscuntur, ut, vel sola esse aedantur, vel*

of temporal life demands ofits own nature to be ordered to the common good of eternal life: and there we have another aspect of the traditional doctrine.

2. THE DOCTRINE OF ST. THOMAS AND OF HIS FOLLOWERS

Following St. Augustine, the high Middle Ages did not refuse to accord a legal status to pagans.[1]

Later, this doctrine was not lost sight of. The most authoritative theologians defended it. "The divine law, which is the law of grace," wrote St. Thomas, "docs not do away with human law which is the law of natural reason", so that, *in itself,* the fact that princes arc infidels does not prevent them from continuing to reign legitimately even over those of their subjects who may be convened to Christianity.[2] St. Thomas explains a little further on, in virtue of the same principle, that the prince who falls into infidelity or apostasy does not, simply on that account, lose his power over his subjects, who remain bound to obey him: "Unbelief, in itself, is not inconsistent with dominion, since dominion is a device of the law of nations which is a human law; whereas the distinction between believers and unbelievers arises from the divine law, which does not annul human law."[3] A precision, demanded by the passage of time, is introduced here: it is *of itself* that the infidelity of princes leaves their power over the faithful intact; but the Church reserves the right to take away this potver *by sentence* in certain circumstances—which will be those obtaining in a consecrational regime.

In his commentary on the *Secunda Secundae* (1511-1517), Cajetan, who is certainly thinking of the Indians of the New World, very strongly insists on the legitimacy of their political status, and on the injustice of making war on them simply because they are pagans: "There may be unbelievers who arc not under the temporal jurisdiction of Christian princes, either in right or in fact. For example, the pagans who were never subjects of the Roman Empire, and those who inhabit lands where the Christian name is unkown. The governments of these peoples, albeit unbelieving, are legitimate, whether they be of the royal or democratic form. Their unbelief does not do away with their jurisdiction over their subjects, since the *dominium* arises from positive law, and infidelity is of the divine law which does not annul human

his quae meliora σeduntur, amplius diligantur; nreesse est miseria consequatur, et quae inerat augeatur" (lib. XV, cap. iv). H

[1] To those who try to explain the appalling cruelty of the German wars against the Slavs by the fact that the Slavs, who were pagans, could not but seem to Christians as without rights and excluded from the work! order, Karl Erdmann replies that the sole text of Otto I which we possess makes no allusion to the paganism of his adversaries. He adds that the Chronicles arc no tenderer to the Polish Sias's, who were Christians. What was then taken into consideration was not religion, whether pagan or Christian, nor yet the character of Slav or German, but citizenship of the Empire; and when the Emperor bad to mediate, he tried first to establish on which side lay the right *{Die Entstehmg des Kreuzzugsçtdankens,* Stuttgart 1935, pp. 91-94). About the same time the Chronicle of Salerno speaks of repeated alliances between Christians and Moslems, and it attributes a defeat suffered by the Salemites to the fact that they had broken their pledged word to the Moslems (ibid., p. 98).

[2] II-II, q. IO, a. to.

[3] q. 12, a. 2: " Infidelitas secundum seipsam non repugnat dominio.

law, as St. Thomas explains (II–II, q. io, a. io). No king, no emperor, not even the Roman Church,[1] has any right to make war on the pagans to take possession of their lands or to subject them temporally. No pretext for a just war is here discoverable, since *Jesus Christ, the King of kings,* to whom *all power is given in heaven and on earth,* did not send soldiers or armies to conquer the world, but holy preachers, *like sheep among wolves.* And so, even under the Old Law, though that was the time of armed conquest, I do not see that any war was declared against any people simply because they were infidels. It was declared against peoples who refused passage, or who had first attacked the people of Israel, or who detained what did not belong to them. We should therefore sin grievously if we undertook to spread the faith of Christ by such means. Not only should we not be legitimate masters of the peoples thus conquered, but we should be guilty of great robberies, and we should be bound to make restitution like all those who have unjustly occupied or conquered a country. We must send these peoples, not conquerors who oppress them, scandalise them, enslave them and *make them twice the child of hell more than themselves* (Matt, xxiii. 15), but holy preachers capable of converting them to God by their word and by their example."[2]

Taking his stand on the authority of St. Thomas and of Cajetan, Francis of Vittoria was to affirm in 1532, in his lectures at Salamanca, that infidelity, in itself, does away neither with public nor private dominion; that Saracens, Jews and other infidels are therefore true proprietors, just as much as Christians, and that to despoil them is simply to be guilty of theft and rapine;[3] that the Barbarians, that is the Indians of the New World, in spite of their infidelity and the many mortal sins they indulge in, are legitimate princes and legitimate proprietors, so that Christians can find no justification in this infidelity and sin for taking possession of their country and stealing their goods.[4] And this was also to be the doctrine of the man who deserved to be called the Father of the Indians, the Dominican, Las Casas. In a treatise published at Seville in January 1553, he protested with the greatest energy, and a typically Spanish violence, against the theoreticians in the pay of the Conquistadores, who pretended that since the Indians were unbelievers their goods and lands passed at once to the Christians: "Those who say that Christ, by coming into the world, has, *ipso jure,* deprived the infidels of all authority, independence, sovereignty and jurisdiction, are uttering absurdities, contrary to all reason, unworthy of the intelligence of a peasant, scandalous, infamous, unworthy of the name of Christian. They bear false witness against Jesus and dishonour Him. There is no greater

[1] That is, the Pope as head or protector of the temporal order.

[3] *In 11-11,* q. 66, a. 8. The five Dominicans—among them Peter of Cordoba and Antony de Montesinos—whom Cajetan, then General of the Order, sent towards the end of 1509 to San Domingo were truly apostolic men. cf. Touron, *Histoire générale de l'Amérique depuis sa découverte,* Paris 1769, vol. I, p. 213.

[3] "De Indis Recenter Inventis", sect. 1, no. 7 *(De Indis el de Jure Belli Relectiones,* Carnegie Institution of Washington 1917, p. 226).

[4] ibid., no. 19, p. 229.

obstacle to the preaching of the Gospel. If Christ came to fulfil all justice He could by no means rob men of their natural rights. With this impious and detestable opinion, they make the Church a liar, they are guilty of heresy and sacrilege, and those who maintain it ought to be burnt alive, since it is contrary to Scripture and the doctrine of the Church."[1]

It is therefore clear, according to the doctrine which may be called traditional, that unbelievers, if they were outside Christendom, were not on that account outside the law; and that their juridical status had to be respected by Christians.[3]

3- THE ABSOLUTE INVIOLABILITY OF THE NATURAL RIGHTS AND CONSCIENCE OF UNBELIEVERS

I. We need then say no more of pagan princes governing their pagan subjects. But a little further on we shall have to return to the case of the pagan prince whose subjects have become Christian, and still more especially to the case of the Christian prince who turns unbeliever. For, according to St. Thomas, although in such circumstances the prince does not, *ipsofacto,* lose his power, the Church can nevertheless take it away from him by sentence.

It remains to say here that whatever may have been the *civil* condition of infidels living in Christendom—of pagans, Saracens, Jews and so on—it was never permissible to invade their *natural* rights.[3] And so St. Thomas, who here appeals to the custom of the Church, forbids the baptism of young children ofJews and other unbelievers without the consent of their parents.[4] This teaching of St. Thomas—rejected by Scotus, who maintains that a prince would act well in ordering the baptism of all his subjects' children, whether Jews or infidels[3]—continued to prevail in the Church. It was sanctioned

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[1] Cited by Marcel Brion, *Barthotent de Las Casas,* Paris 1927, p. 238. Already, at the Council of Constance when the Teutonic Order preached a " Crusade " against Poland and Lithuania, still partly pagan, the Poles had opposed the thesis, affirming the right of all peoples, even pagan, to their territorial independence, and proclaimed that Christ's doctrine ought to be spread abroad by means compatible with charity, cf. O. Haiecki, *La Pologne de 963 à 1914,* Paris 1933, p. tot. The baneful state of mind into which the military Orders sank would make a useful historical study.

[1] One can see in J. Dutilleul, *Diet, de theoL caih.,* art. " Esclavage ", col. 486-503, how this traditional doctrine was alternately proclaimed and obscured in the deplorable history of slavery in America.

[1] "Jews are bondsmen of the princes by' civil bondage which does not exclude the order of natural and divine law ' (St. Thomas, II–II* q. 10, a. 12, ad 3; and III, q. 68, a. 10, ad 2).

* II-II, q. to, a. 12; III, q. 68. a. 10.

[1] On condition, says Scotus, " that the thing is done prudently, so that the children are not killed beforehand by their parents, and can receive a Christian education. z\nd further," he adds, " I believe that it would be a religious act to force the parents themselves, *minii et terroribus,* to receive baptism and to fulfil their obligations; for, even if they were not sincere, it would be a lesser evil for them to be unable to conform to an illicit religion with impunity, than to observe it freely. And their children, being well brought up, would, at the third or fourth generation, be true Christians " (ZP *Sent.,* dist. 4, q. 9, no. 2). In No. i, Scotus at first denies, in agreement with the whole of tradition, that die young children ofJews and infidels can be baptized in spite of their parents. But he goes on to say that this interdiction is valid only for private persons: it does not concern the prince, whose authority will outweigh that of the parents when it is a question of applying a divine law. Note that Scotus' argumentation (1) supposes bad faith in the unbelievers, and, (2) disregards the intangibility of natural rights by the prince.

notably by a Bull ofjulius III, dated 8th June 1551,[1] and by Benedict XIV's letter *Postremo Mensae* of 28th February 1747.[1]

For the same reason, unbelievers, even when they arc subjects of Christian princes, are not to be compelled to enter the Church. The *Decretum* of Gratian (Part I, dist. 45, ch. 3) transcribes a letter addressed to Paschasius, Bishop of Naples, in which Pope St. Gregory forbids the disturbance of Jewish worship: "If with a right intention you would lead non-Christians to the true faith, you must use persuasion and not violence. For minds that might easily be enlightened by your explanations will be estranged by your hostility. All who, under colour of snatching men from false cults, go about it differently, show that they seek their own will rather than God's."[3] In Chapter 5 the *Decretum* reports the 57th Canon of the fourth national Council of Toledo in 633, concerning the Jews. As for those who had already been compelled to become Christian in the reign of Sisebut, and had received the sacraments, they should remain Christian, and the question of the validity of these extorted conversions should not be reopened. But "for the future, no one is to be constrained to believe. For the Lord *hath mercy on whom he will, and whom he will he hardeneth* (Rom. ix. 18). The Jews are not to be saved in spite of themselves, but freely, so that all justice be safeguarded. Conversions are to be made by consent, not constraint, by persuasion, not force."[4] Towards 1190, Clement III forbade "anyone to compel the Jews to receive Baptism against their will", and towards 1250 Innocent IV

[1] Reproduced in the *Decretals,* lib. VII, tit. i, cap i.

[2] " The opinion of St. Thomas," says Benedict XIV, " has prevailed in the tribunals, and it is the commonest among theologians and canonists" (Denz. 1482). It is curious to note how the doctrine of St. Thomas, faithfully explained by Capreolus *(II' Sent,,* dist. 5 and 6), is attenuated in several of his best disciples. Cajetam, for example, granting hypothetically the legitimacy of serfdom, considers that the children of serfs (and of Jews who are serfs of the Church), since they can be taken from their parents and sold, can similarly be baptized in spite of their parents; but, he adds, God would not have the Church resort to such means, and that is all that St. Thomas meant *(In II-II,* q. 10, a. 12, nos. 8-10). Francis of Vittoria say's that Christians would not go beyond their rights in baptizing the children of infidels against their parents' wishes, provided there was no scandal and no danger of apostasy; in this sense, he holds, Scotus is in the right. Everybody grants that in wartime the infidels may be killed and their children taken from them; why then not baptized? However, adds Vittoria, the two conditions indicated are unrealizable in practice. Would not the Saracens be scandalized and say that Christianity prevailed by violence, and not by miracles? And how avoid the peril of apostasy if the children are left within reach of their parents? To take them away altogether could not be done without endangering life, and a return to Islam would be always to be feared. So that absolutely speaking, not doubtless as a matter of natural right, but at any rate on the authority of the Church, we must answer with St. Thomas, that the children of unbelievers are not to be baptized against the will of their parents *(In II-II,* q. 10, a. 12, nos. 8-10). St. Thomas then, as we see, affirms, much more clearly than his commentators, the inviolability of the rights of parents even as against Christian princes.

[3] *Epist.,* lib. XIII, epist. 12; P.L. LXXVII, 1267: " — suas illi magis quam Dei causas probantur attendere."

[4] It must, I am afraid, be added that the sixth national Council of Toledo, held in 638, by desire of King Chintila, gave thanks to God in its third Canon inasmuch as the King had just issued an edict ordering all die Jews to quit Spain, so that there should be none but Catholics in the land; in agreement with the King and the nobles the Council prescribed that all future kings should keep these ordinances in force (Hcfelc-Leclcrq, *Histoire des conciles,* vol. III, p. 279). In fact the Jews were to occupy a privileged place in Arab Spain, and this continued for some time under the first Christian kings.

reminded the Archbishop of Arles of the same principles: "It is contrary to the Christian religion that any man, without willing it, and in spite of his absolute opposition, should be forced to become and remain a Christian."[1] Shortly afterwards, St. Thomas was writing in the *Sumina* that "as for unbelievers who have never received the faith, such as the heathens and the Jews, they are by no means to be compelled to the faith in order that they may believe, because to believe depends on the will". When Christians wage war on unbelievers, "it is not for the purpose of forcing them to believe, because even if they were to conquer them and take them prisoners, they should still leave them free to believe if they will; but in order to prevent them from hindering the faith of Christ".[1] Finally, the Council of Trent declared that "the Church never passes judgment on anyone who has not yet come into her by the door of baptism."[3]

2. To sum up: the medieval Church, as such, regarded the natural rights of pagans as inviolable. She did not wish their children to be baptized against their will, nor that they themselves should be compelled to believe.

That applies in the first place to the unbelievers outside the Church who had a proper juridical status recognized by Christians. It cannot be denied that in the course of centuries writers appeared who hoped for the destruction of paganism by fire and sword, and made it a duty for princes to wage war on the pagans and compel them to believe;[1] but it is impossible to maintain that they express the authentic thought of the Church.

It applies also, naturally, to unbelieving ethnic groups, Slavs or Moors,

[1] These texts are recorded in the *Decretals:* the first in lib. V, tit. vi, cap. ix; the second in lib. III, * II-II, q. 10, a. 8. Here again some of St. Thomas' disciples are hardly faithful to him. Vittoria begins by distinguishing unbelievers who are not subject to Christian princes, or who have voluntarily submitted to them on condition that their religion should be respected: neither class is to be constrained to Baptism. As to unbelievers who are subject to a Christian prince, by* right, for example, of a just war, Vittoria agrees with Scotus that taking the action *in itself* the prince would do well to force them, *minis et terroribus ft taberibas,* to accept, to hold, and to defend the faith; but he adds that *speaking absolutely,* on account of the difficulties that would result, such action ought to be avoided. One feels the presence of the principle that became famous in the days of the Reformation*. *cujus regio illius religio.* " I do not know*," he says, " whether it is a good thing that the Saracens have been compelled to the faith in our days, and have been given the choice between conversion and banishment from Spain. They have often chosen conversion, and that is why there arc so many bad Christians. I should not hesitate to declare that if a whole city, such as Constantinople, came to the faith, and if there remained only thirty or forty persons refusing conversion, they ought to be compelled to follow the majority. And I should not hesitate to say likewise, that if the Grand Turk were converted to the faith, he could constrain his subjects, under penalties, to become Christians ... All that of course on condition that the constraint led neither to dissimulation or to some greater evil '* *{In II-II,* q. 10. a. 8, nos. 3-6). Billuart, on the contrary, was to be faithful to his master: " Unbelievers who have never had the faith, whether they are, or are not, subjects of Christian princes, are in no wise to be compelled to believe " *{De Fide,* dissert. 5, a. 2). To return to the case proposed by Vittoria, of a city which, with the exception of a small minority, should seek incorporation with a Christendom of the medieval type, there would be two ways of being just to the minority: either recourse to religious pluralism; or to expatriation, conceived however as an expropriation serving public utility, and indemnified.

[3] Session XIV, *De Poenitentia,* cap. II.

[4] Karl Erdmann cites, among others, Firmicus Maternus and Bruno of Qucrfurt *{Die Entstehimg des Kreuzzugsgedankens,* pp. 4 and 97).

allied with Christian princes, and, on that account, more or less incorporated into Christendom.

But it also applies even to unbelievers deprived of juridical status and reduced to bondage, for example, by a just war. If we grant that even these arc not to be constrained to Baptism wc shall be led to a solution of the pluralist type—the permission of more than one religion—especially if their numbers arc considerable. There will be toleration for their rites and their manner of serving God. That, says St. Thomas, is the practice of the Church.[1] Undoubtedly there were theologians who, in such circumstances, would concede the right of Christian princes to impose the faith on unbelievers. But they did not express the true thought of the Church; and the later theological development, to which Benedict XIV is a witness, followed a different direction. They were careful for the most part to speak with reserve. Francis of Vittoria himself found it difficult to approve the measure by which, in 1502, the Moors of Spain were forced to choose between conversion and exile. Any political chief who forced a religion on his subjects would be stigmatized as a tyrant to-day by all theologians. And how could Christianity be forced on anyone without opening the door to sacrilege, and, notably, the worst of all, to sacrilege against the Eucharist?® It is indeed astonishing that this last consideration which, unfortunately, has nothing chimerical about it,[3] did not prevail in the minds of theologians of the calibre of Scotus and Afittoria.

C. The Juridical Condition of the Jews in Medieval Christendom

Religious liberty, which had been taken from the Jews after 135 and restored to them by the Antonines, was in principle respected and guaranteed by the Cliristian Emperors. But it is clear that from the moment when the Empire was reconstructed on the basis of unity of faith, it could no longer welcome on an equal footing those Jews who, from the beginning, had shown themselves to be fierce adversaries of the Christians, and who intended to preserve their autonomy as a religious and ethnic group. Constantine saw

[1] And she acted so, he says, not only in the case of pagans, but even at times in that of heretics (II–II, q. 10, a. n).

[2] Sacrilege against the Eucharist is not merely the gravest of sacrileges that can be committed against holy things; it is, says Cajetan, " the gravest of all sacrileges, since it is a direct offence against the humanity of Christ contained in this sacrament; so that if wc look at the species of the sin it is worse to injure the Eucharist than it is to assassinate the Pope " *(In II-II,* q. 99, a. 4, no. 8).

[3] The Crypto-Jcws, who at tunes amounted to notable fractions of Jewry, so well understood how to pass themselves off for non-Jcws, that many peoples took them for Christians (or Mohammedans). This is what we learn, says Sombart, concerning Jews of Hispano-Portuguese origin who inhabited the South of France during the fifteenth and sixteenth centuries and even later (and this applies equally to the Marranos of die Iberian peninsula and elsewhere): the)' obeyed all the external practices of the Cadiolic religion; dieir births, marriages and deaths were entered on the registers of the Church; and they were given the Christian sacraments of Baptism, Marriage and Extreme Unction. Some even became priests *(The Jews and Modern Capitalism,* London 1913, pp 8-9). In his *Letter concerning Apostasy,* Maimonides had justified the Jews who simulated conversion to Islam; he was imitated by many Rabbis, cf. Felix Vernet, "Juifs et chrétiens ", *in Diet, apolog. de la foi cathol.,* col. 1677 and 1679.

them as people who had to be kept at arm's length. His successors, whose laws were incorporated in the Theodosian Code in the fifth century and in Justinian's in the seventh, while recognizing the Jewish religion as lawful, sought to favour the Christians and to keep them free from contamination by forbidding die Jews to build new synagogues, to marry Christian women, to convert Christians, to have Christian servants in their houses, and so on. It should be remarked that these laws were not in force for very long throughout the whole Empire, which was now beginning to crumble.[1]

The barbarian princes adapted the Roman legislation to their kingdoms with more or less strictness. At intervals, the severity of the laws was equalled or surpassed; thus Dagobert I in France (630) and Siscbut in Spain (612-613) ordered the Jews to receive Baptism under pain of exile. To the extent to which the principle of nationality asserted itself the Jcw'ish dislike of fusion with the indigenous element drew stronger resentments on their heads. Their position in Spain during the century preceding the Arab invasion was very precarious? Then were held those Councils of Toledo so remarkable for their dogmatic definitions on the Trinity and the Incarnation, but of which it has been said, in respect of their practical ordinances, that they were 'Tess Councils than national assemblies of the Spanish monarchy, content to do no more, or little more, than register the decrees of their sovereigns". Gratian records several of their canons in the *Decretum,* and the severe spirit in which they were couched was to leave its mark on ecclesiastical legislation? Charlemagne was rather less hard on the Jew's. But from the thirteenth century to the end of the fifteenth their situation grew worse. Although in certain cities they achieved remarkable prosperity, they were banished successively from England, from France, from a large part of Germany, and then, in 1492, from Spain, where since 1480 the Inquisition, founded by the Catholic kings, functioned chiefly against the Marranos; and finally, in 1496, from Portugal? They emigrated to Italy, Poland, the Ottoman Empire, and later to Holland and England.

'Felix Vernet, loc. dt., col. 1713-1714. Note that a Christian legislation, while supporting Christianity, had to be careful nevertheless not to put any premium on conversion.

1 loc. dt., cot 1714

1 loc. du, coL 1727. Père Bonsùven is also severe on the Visigothic laws: "They were almost all carried or confirmed in the Counrils of Toledo, which amounted to the Parliament of the kingdom. We have here a very dear case of the subjection of the Church to the political power, a deplorable example of the handing over of spiritual arms to the State. Several unfortunate consequences followed. The bishops often had to make or sanction canons which contradicted principles as essential as that of freedom of belief and respect for consdenccs. They' made themselves the servants oi a political order that was barbarous, and. when all is said and done, antichristian. The result was, not to increase the number of the faithful, but to dilute them with innumerable hypocrites. Thus they inaugurated a regime of supervision of consdenccs, a spiritual police, wholly contrary to that spirit of liberty which ought to characterize a religion of the spirit. Did they not thereby open the door to the Spanish Inquisition, which took over and enslaved the ecclesiastical power for the benefit of the political? Did they not also sow on Spanish soil the first seeds of that fanatical and intolerant spirit which time and again has ravaged the Peninsula? " (Notes taken at the *Con· ftrout* on Judaism,* held at the Institut Catholique de Paris, VIIth conference.)

4 "The offidal expulsion of the Jews from Spain and Portugal," writes Sombart, "did not at once put an end to their history in those countries. Many Jews remained as pretended Christians

CANONICAL POWER AND POLITICAL POWER

1. THE JEWS TOLERATED, NOT IN THE CHURCH BUT IN CHRISTENDOM

As long as they were not converted, the Jews, in medieval Christendom, by reason of their ethnico-rcligious autonomy, functioned as an alien body embedded in an organism.

From the standpoint of the Christian faith, their religion appeared as a kind of infidelity—less grave than heresy, since it was not a repudiation of the Christian faith.[1] That is the original meaning of the phrasc "perfidia judaïca".[2] Now the Church, *as such,* that is to say Christianity, the spiritual kingdom, can cheerfully tolerate sinful members within her, or again, a conflict of theological opinions, or the onerous conditions of a Concordat, and so on; but it is clear that she cannot tolerate infidelity in her own ranks, that her task is to fight it with all the spiritual weapons the Saviour has placed in her hands.

The Church, however, can readily agree that Christian princes, Christendom, the temporal kingdoms, should put a certain pluralism into practice in respect of other religious groups, and tolerate, for example, the exercise of infidel cults. Religious tolerance is then realized and takes effect on the plane of temporal life. Political rulers, the princes of the Christian states, or of the states of the Church, will accordingly admit the Jews to their territor)' under certain conditions, and will guarantee them the free exercise of their worship; they may act likewise with regard to other non-Christian peoples, Moslem populations for example, whom they may have subjugated in a just war.

2. THE SPECIAL REASON FOR THIS TOLERANCE: THE MYSTERY OF ISRAEL

In the case of the Jews, says St. Thomas, there is, it is true, a special reason for toleration.[3] For their worship prefigured the Christian faith; they bear witness, in spite of themselves, to its truth; their remnants are to be saved at the end of time. What lies at the bottom of the Jewish question is the mystery of Israel. The Saviour pointed to this mystery when He predicted "the hardening of the hearts of the Jews (Matt, xii, 41; xiii. 12; xxiii. 36), the conversion of the Gentiles in default of the Jews (Matt. xxii.

(Marranos), and it was only under the pressure of the Inquisition, whose severity increased under Philip III, that they were obliged to leave the country; many of the Spanish and Portuguese Jews did not emigrate till well into the sixteenth century and towards its end." Many Jews likewise remained in England after the expulsion of 1290, and were still there till the time of their more or less official return under Cromwell. Sombart, as is well known, was struck by the parallelism he saw between the displacement of the Jews on the one side and that of the economic centre of gravity of Europe on the other *(The Jews and Modem Capitalism,* London 1913, ch. ii, pp. 13 et scq.),

[1] Cf. St. Thomas, II-II, q. 10, a. 5.

[2] It was only later that it acquired the sense of " perfidy ", when the Jews were accused of insincere conversions and treasonable relations with the enemies of the Christians, cf. Vemct, loc. cit., col. 1733. On the philological meaning of the expression and the custom of omitting the genuflexion in the prayer for the Jews on Good Friday since the ninth century, see Erik Peterson, " Perfidia judaïca ", in *Ephemerides Liturgicae,* 1936, p. 296 ct scq. This omission, due perhaps to a mere liturgical displacement, has been interpreted as a protest against the sacrilegious genuflexions of the Praetorium, for which the primary responsibility was placed on the Jews.

[3] "Aliquod bonum quod ex eis provenit" (II-II, q. 10, a. 11).

8; xxiv. 14), and the final conversion of the Jews (Matt, xxiii. 3g). "[1]

for the Christians of the Gentile world St. Paul unveils the profound significance of these prophecies (Rom. ix-xi). He reminds them first that the Old Testament prophecies have not been falsified, since they are realized in the *spiritual Israel,* the Church: "Not as though the word of God hath miscarried, for all are not Israelites that arc of Israel" (ix. 6). Then he considers the lot *of carnal Israel,* the Jewish people. Their rejection is full of mystery and their prerogatives remain astonishing: the offence of the Jews becomes the riches of the world: it hastens the conversion of the Gentiles, and that will one day provoke a salutary'jealousy in the Jew's. "I say then: have they so stumbled that they should fall? God forbid. But by their offence salvation is come to the Gentiles,[5] that they may' be emulous of them. Now if the offence of them be the riches of the world, and the diminution of them the riches of the Gentiles: how much more the fullness of them?" (Rom. xi. 12). They are and always will be, in a way, a people consecrated to God, dedicated to God; and if the nations are in the Church as a wild olive grafted on a good tree, they too will one day be in her as on their own olive tree. "If the root be holy, so are the branches. And if some of the branches be broken, and thou, being a wild olive, art engrafted in them, and art made partakers of the root and of the fatness of the olive tree: boast not against the branches . . . If thou wert grafted into the good olive tree, how much more shall they, that are the natural branches, be grafted into their own olive tree?" (16-24). they continue as a people in spite of their dispersion, it is that they may be one day re-integrated in the Church. "I would not have you ignorant, brethren, of this mystery . . . that blindness in part has happened in Israel until the fullness of the Gentiles should come in. And so all Israel should be saved" (25-26). Then, as their rejection had provoked the reconciliation of the Gentiles, their re-integration will provoke a resurrection of the dead (15). It is therefore clear that they arc still the people of God, somewhat as a rebellious son remains a son, and an apostate priest remains a priest, in virtue of an election which, for all their refusal of the Gospel, remains irrevocable: "As concerning the gospel indeed they arc enemies for your sake; but as touching the election they' are most dear for the sake of the fathers. *For the gifts and the calling of God are without repentance"* (2B-29). The nature of the mystery that weighs upon Israel according to the flesh can be glimpsed: it is the mystery of a people chosen for the purpose of inaugurating the Church and refusing the grace of the Church, but whose lot remains bound up with that of the Church. It marks in reverse the theme traced through history by the Church in relief. This

[1] M.-J. Lagrange, O.P. *Étitre aux Romain:,* 1916, p. 284.

[1] " It is a statement of fact. Paul, seeing himself repulsed by the Jews, turned to the Gentiles (Acts xiii, 45-48), who are put in the way of salvation all the sooner. And if the Jews had been converted *en masse* would they have consented to renounce their law? Would Christianity have been freed from national observances, and so become a suitable religion for the Gentiles? The learned of our day are entirely in agreement with Paul, that the refusal of the Jews facilitated the entry of the Gentiles." Lagrange, op. cit., p. 275.

people, primarily no doubt in its books, but also in its flesh, is the bearer of prophecies.[1] There was therefore a special reason to tolerate it in medieval Christendom, but this tolerance had to be prudently hedged about. The Jews could exercise their religion, but proselytism was forbidden them, the publicity of their worship was reduced/ and the number of their synagogues limited.[3] And when, between 1238 and 1240, the blasphemies of the Talmud against Christ were discovered, the book was ordered to be burnt?

3- THE CIVIL STATUS OF THE JEWS

These restrictions on their worship did not, as we have pointed out, touch the *natural rights* of the Jews. Their children could not be taken from them nor Baptism forced on them. The dilemma of conversion or exile, although it survived a long time in the practice of princes or of certain bishops, was condemned even by one of the national Councils of Toledo.[5] The general teaching of the Church is clear.®

'That is a traditional view. It is found in St. Augustine: ‘‘Today, if the Jews are dispersed through all nations and lands, that is due to God's design; so that if the idols, altars, sacred groves and temples arc destroyed all over the earth and the sacrifices forbidden, it could still be seen from the Jewish books that all this was prophesied long ago; and although the prophecies, fulfilled in the Christian religion, may be read also in our own holy books, no one can accuse us of having composed them ourselves after the event ” *(De Civitate Dei,* lib. IV, cap. xxxiv). In St. Thomas we find: ‘‘The books of the Jews are witnesses everywhere for Christ and the Church, for when the heathen read them in the Jewish books they could not imagine that the prophecies concerning Christ had been fabricated by the Christian preachers” *(In Epist. ad Rom.,* cap. xi, lect. 2). cf. Pascal: “ They lovingly and faithfully preserved this book in which Moses declares that they have been ungrateful to God all their lives, that he knows that they wall be still more so after his death; but that he calls heaven and earth to witness against them, and that he has done all he can to teach them ” *(Pensées).* Reduced to essentials, this argument means that on the religious plane Israel appears to have fallen from the high part marked out for it by the prophecies, and that this spiritual downfall visibly influences its historical and worldly destinies. But if Israel survives the dispersion, it is because it is destined, by divine decree, to re-integration.

[1] They were forbidden to carry the Bible or the Ark in procession in the ghetto. At Rome they were obliged to listen to a Christian sermon on the Old Testament (F. Vemet, loc. cit., col. 1739 and 1738). cf. the remark of Erik Peterson, *(Le mystère des Juifs et des Gentils,* Paris, pp. 54 and 72) who connects this preaching with that of Stephen during his martyrdom.

[3] ▮' Two canons of the *Deaelals,* lib. V, tit. vi, caps, iii and vii, the one taken from St. Gregory the Great, the other from Pope Alexander III (1180), rule that, although the Jews are not to be disturbed in the possession of their synagogues, they must not build any more. Alexander authorises the necessary' repairs and rebuilding, provided that the synagogues arc not made larger or richer than in the past. Paul IV decreed that they could have only one synagogue in each town or place they inhabited. The Popes did not hesitate to dispense, when they judged it useful, from the prescriptions of the *Deaetals* and of Paul IV. Basnage tells us that in his time there were nine synagogues at Rome, nineteen in the Roman Campagna, thirty'-six in the March of Ancona, twelve in the Patrimony of St. Peter, eleven at Bologna and thirteen in the Romandiola ” (F. Vernet, loc. cit., col. 1739).

[*] ibid., col. 1691.

[5] Fourth Council, canon 57, cited above, p. 229.

[•] “ The *Deaetals,* lib. V, tit. vi, cap. Lx, contain, under the name of Clement III (1190), a Bull which could be called the charter ofJewish liberties. It forbids baptism without consent, wounding, killing, interference with their goods and their good customs, disturbance of the celebration of their feasts, exaction of forced senices above existing usage, restriction or invasion of their cemeteries or exhumation of their dead *obtentu pecuniae.* All this under pain of excommunication. The first phrase ‘ *Sicut Judaeis* . . .’ and the greater part of the provisions of this Bull were borrowed from Gregory the Great. It seems, from the *Formulary* of Marino of Eboli, that the first Pope who promulgated it in its complete form was Nicholas II (|1061). It was renewed by Calixtus II, Eugenius

But from the *civic point of àrw,* the rights of the Jews, like those of other unbelievers, were strictly limited. They were forbidden to exercise any public functions, a prohibition that applied also to Saracens;[1] for how could those who rejected the mystery of Christ be given the direction of a society composed of Christians alone?[2] If the feudal regime hardly allowed them to become great proprietors they could at any rate hold landed property and let it to agricultural workers, who, however, could neither cat nor lodge with them;[3] but neither they nor the Saracens could have Christian slaves in their houses, since their faith would be endangered? A Jew' could neither buy nor keep in sendee any of the baptized, nor any unbeliever asking for Baptism; if he had bought for rc-salc any infidel seeking Baptism, he had to turn him over to Christians, subject to due compensation.[4] The Jews were obliged, like the Saracens, to wear clothes that differed from those of the Christians, so as to hinder marriages and other close relations with Christians.* They grouped themselves, quite spontaneously to start with, in the same quarter of the town around their synagogue; but later on, in the fifteenth century, and especially in Spain and the Pontifical States, they were forcibly confined to these ghettos.[7]

4. HOW JUSTIFIED

At the moment when it opted against its Messiah,[8] the messianic people mysteriously and irremediably left the ways marked out for it by Providence.

III, Alexander III, Clement III, Celestine HI, Innocent III, Honorius III, Gregory IX, Innocent IV, Urban IV, Gregory X, Nicholas III, Honorius IV. Nicholas IV, Clement VI, Urban V, Boniface IX, Martin V, £ugenius IV, and perhaps others" (F. Vernet, loc. cit., col. 1736).

[1] Canon 65 of the Fourth Council of Toledo, in 633. cf. Hcfele-Lederc, *Histoire da conciles,* vol. III, p. 275. This canon is inserted in the -Deor/icn, part II, cause 17, q. 4, c. 31. The bracketing ufJnvs with Saracens did not hold good always and everywhere. Alexander III, for example, wrote to the Bishops of Spain: " The position of the Jews is not the same as that of the Saracens. These latter persecute the Christians, turn them out of their towns and lands, and it is quite proper to fight them. But the Jews are everywhere disposed to obey " *(Decretum* II, cause 23, q. 8, c. 11).

[1] Canon 69 of the Fourth Council of the Lateran, in 1215. cf. *Histoire da conciles,* vol. V, p. 1387. Inserted in the *Decretals,* lib. V, tit. vi, cap. xvi; cf. cap. xviii . . ." In spile of these prohibitions, frequently renewed, and finally by Benedict XIV', they sometimes became farmers of the taxes, toll collectors, treasurers to the princes, their representatives at foreign courts, magistrates in the South of France, and so on" (F. Vemet, op. cit., col. 1743).

[3] *Decretals,* cap. ii. (F. Vernet, loc. dt., col. 1742). Following B. Lazare the author does not agree that the Jews were forced to live by usury (col. 1696).

[4] Canon 26 of the Third Lateran Council, in 1179. cf. *Histoire da conciles,* vol. V, p. 1105; and *Deaetab,* cap. V. " It would be more dangerous for unbelievers to have dominion or authority over the faithful than that they should be allowed to employ them in some craft. Wherefore the Church permits Christians to work on the land of the Jews because this docs not entail their living with them" (St. Thomas, II-II, q. 10, a. 10. ad 3).

• *Deartab,* cap. xix. cf. St. Thomas, II-II, q. 10, a. to.

• Canon 68 of the Fourth Council of the Lateran: *Deaetals,* cap. xv. At the end of the *De Regimine Judaeorum* St. Thomas notes how dûs provision agrees with that of the Jewish law.

[7] F. Vemet, loc. dt., col. 1740. "The institution appeared in Italy in the eleventh century; in the thirteenth the Emperor Frederick II put the Jews in a special quarter in his capital at Palermo. The closed Jewry' was set up in Spain in 1412 [8] (Joseph Bonsirven, *Confirmas sur le Judaïsme,* IXth Conference).

• " It knew not what it did; but its rulers knew very well that they were opting against God. In one of those acts of freewill which setdc the destinies of a community', the priests of Israel the

Till the day of its reintegration in the Church dawns, Israel will be a disorientated and frustrated people, and the Jewish problem will find no solution.

Was the mystery of Israel to be stamped on the secular history of this people, and thus to influence also the temporal destinies of the Jews? The ancients thought so.[1] We may take them to task perhaps for looking at it a little too narrowly, Tor taking very accidental or even very dubious forms of "fulfilment" as the logical upshot of the prophecies. Thus the impossibility of incorporating the Jews in a constitutionally Christian society and the restrictions with which they had to be surrounded in a consecrational regime, seemed to be so many direct consequences of their primary deviation. And further, the state of servitude into which the Jews fell for various reasons after the Crusades[2] was thought to be justified, in so far as it had become a part of the public law, by their initial transgression. Thence it comes that texts of Innocent III and of St. Thomas on the servitude of the Jews[3] may bring together considerations of very unequal value, but following in strict sequence: the carnal Israel has preferred the religion of servitude to the religion of liberty (cf. Gal. iv. 21-30);[4] it has departed from the ways of

evil guardians of the vine, the slayers of the prophets, opted for the world from motives of political prudence, and the whole people was thenceforth bound by this option—until it should change it of itself" (Jacques Maritain, *Questions de Conscience,* p. 61). cf. Bourdaloue's sermon on scandals: "But sins, you will tell me, are personal ... I agree . . . But scandal [in the sense of* leading astray '] is an exception. Why? Because scandal is not a purely personal sin but a kind of original sin "—which spills over and communicates itself to others.

1 In our own day, Sombart, without accepting the data of theology, tries to interpret the economic life of the Jews in the light of their religion.

8 During the first Crusade the Jews along the Rhine, reduced to desperate straits by bands of adventurers, appealed for help to the Emperor who protected them for a consideration, and they were called the serfs of the Imperial Household. In the course of time the right *to hold the Jacs* was granted, sometimes to towns, sometimes to nobles. Their dependence on the Emperor, writes S. Drploige, " became stricter, their freedom to come and go was gradually reduced, and unauthorised emigration was punished by general confiscation. The exchequer moreover made increased demands on them, and even their proprietary rights over their goods was ultimately questioned. In the thirteenth century this evolution had reached its term."* In St. Thomas' time the theory of the civil bondage of the Jews was firmly entrenched in public law. St. Thomas accepts the principle but would moderate die application: the ""necessaria vitae subsidia" are not to be taken from them, and they are not to be irritated by exactions greater than those of the past (F. Vernet» loc. cil., col. 1745-1746). Note that only the first and last points of the *De Regimine Judaeorum* treat of the relations of the prince with the Jews as such: die rest treat of the relations of the prince with usurers, and apply as against the Cahorsines and the Lombards.

3 " Although Christian piety welcomes the Jews, *subjected by their own fault to a perpetual servitude . . .*" This celebrated passage opens the decree of Innocent III forbidding the Jews to have Christian nurses for their children, on account of the ill-treatment inflicted on them *(Decretals,* lib. V, tit. vi, cap. xiii). St. Thomas refers to this text at the beginning of the *De Regimine Judaeorum,* where he seems to withhold his opinion: " Licet, ut jura dicunt, Judaei, merito culpae suae, sint vel essent perpetuae servituti addicti . . . and elsewhere, for example II-II, q. io, a. n, ad 3.

4 In this passage St. Paul turns to the Bible itself to prove that what was always foreseen in the divine plan was not one perpetual covenant, but two successive covenants: first that of" slaves " or of the spirit of fear, and then that of " sons " or of the spirit of liberty. The two cannot live side by side, for the first will injure the second; and one must cast out the other as in Scripture the son of thc-frcc-woman cast out the son of the bond-woman: cf. M.-J. Lagrange, O.P., *Épilre aux*

providence till the day of its re-integration (Rom. xi) ; it cannot mingle with a consecrational Christendom; the public law at the end of the Middle Ages considers it as in bondage. The origins of this bondage are sometimes sought far back.[1] In reality it had no other foundation than the actual laws of the period.

5- AN APPRECIATION OF THE MEDIEVAL SOLUTION

The theologian is under no obligation to justify all the laws brought to bear on the Jews by provincial Councils or by the Popes, the latter, notably, as princes of the Pontifical States.* He is even less bound to take up the defence of all that was done in Christendom against the Jews. Medieval Christendom was an attempt at political organization under the sign of the Christian faith ; it was very far from making perfect application of the principles of the Gospel on the plane of social and political life. We must realize however that the Papacy always aimed at keeping the Jewish problem clear of the political or religious passions that obscured it, and at bringing it back to its essentials. The measures the Popes adopted to regulate the activities of the Jews and to limit their influence, were dictated by the need to maintain the basic principle of the political constitution of the West. They belonged to the logic of a consecrational conception of the temporal order which, by definition, granted the quality of citizenship to Christians alone.[3] Doubtless

GalakJ, 1918, pp. 118-122. To this thought, the Epistle to the Romans adds the prophecy relating to the later destinies of Israel, its character as people of God in spite of, and even in the midst of, its straying, and the announcement of its general return to the faith.

1 *· A theory*, famous in Germany in the twelfth century', and recorded in the *Schwabtnspiegdt* refers this bondage to a Roman origin: Titus gave Jewish prisoners to the Imperial treasury and they remained the property, the slaves, of the Empire. That is a mere historical fantasy' long ago discarded " (F. Vernet, loc. dL, col. 1745). It is to be found in Francis of Vittoria, *In II-U,* q. 10, a. 12, no. t6: Christendom, the heir of the Roman Empire, triumphed over the Jews by the arms and in the persons of the Emperors Titus and Vespasian.

2 It was at the time of the Reformation, when Jewish activity became more dangerous, that the Popes took the strictest measures against them. In 1555 Paul IV obliged all the Jews in the Pontifical State to sell all their real estate; and condemned them, moreover, to the seclusion of the ghetto. In 1569 St. Pius V extended this last ordinance to the whole of Christendom; and, a new departure, expelled the Jews from all his States except Rome and Ancona. In 1581 Gregory XIII decreed that for certain offences the Jews could be punished by the Inquisition: " Practically speaking, the Inquisition hardly took notice of anything save re-Judaizing and ownership of the Talmud; it was the former alone, or almost so, that prompted the severities of the Inquisition of Spain; while proceedings against the Talmud bore rather on the book, which was burnt, than on persons.*' Sixtus V w*as more lenient. In 1586 he repealed the edict of expulsion. He revalidated the ordinances made in the past in favour of the Jewish bankers in Rome and tolerated lending at very high rates of interest. Clement VIII tried to revive the tradition of Paul EV and of St. Pius V. He suppressed usury. He expelled the Jew's again; but had to rescind this decision three months later. After his time the Popes attempted no further expulsions (F. Vernet, loc. cit., cols. 1702, »729. 1731)· Θη subject of the " surprising permission'* granted by Clement VII to the bankers of Imola, to lend at upwards of thirty or forty per cent, the same author recalls that the Pope was in great need of money to cope with the lamentable situation created by the sack of Rome in 1527; and he adds: " if his benevolent measures towards Israel are to be thus explained, as is probably the case, and if they were spontaneous, his gratitude was extreme; if they were forced on him by the lenders, they imposed conditions that were truly draconian*' (ibid., col. 1701).

2 In his conferences on Judaism, in which he strongly insists on the wrongs inflicted by Christians on the Jews, Père Bonsirven would not have them made the ground for a judgment on the general

they did not amount to *the* solution of the Jewish problem. They were but *a* solution, a political and provisional compromise. "The Middle Ages tried out a consecrational solution, in conformity with the typical structure of the contemporary civilisation. This solution, the solution of the ghetto, based on the fact of a divine chastisement hanging over Israel, and giving the Jews the status of foreigners in the Christian society, was of its nature hard, and in application often iniquitous and ferocious; it proceeded however from a lofty idea . . .; of the religious order, and nowise racial, it recognized the privilege of the soul, and the Jew, when baptized, entered as of right into the full *convivium* of the Christian society. This medieval solution has passed away to return no more, like the type of civilization from which it sprang."[1]

Where this medieval solution is concerned, we must make a careful distinction between (i) a *modus vivendi* political by nature, which was, obviously, imperfect, but which, permitting as it did the peaceful living side by side of Jews and Christians, by the same token was a good, and which the Church could in consequence approve as *valid in the temporal order·, {2}* the vexations and iniquities which the Jews suffered at the hands of the Christians, whether rulers or subjects, clerics or laymen, in the practical application of this *modus vivendi,* and which, in consequence, the Church *as such* has never accepted as her own responsibility.

The political emancipation of the Jews began in Holland in the seventeenth century, and then spread to England. "The young United States of America recognized the political equality of Jewish citizens ... In 1791 the French Revolution granted the status of active citizens to the Jews, but on condition that they renounced all national particularism. The other states, except Russia, followed this example sooner or later. The Jew need not any longer be an object of contempt. The importance of the Jews in the world became

conduct of the Church. He sums the matter up in four points, following the preamble of the Bull of Pope Martin V: " (i) The Church considers the Jews as unbelievers whose obstinacy she deplores; (2) she wishes their rights and privileges to be respected; (3) she works to defend the faith of her own children against them; (4) and does her best to convert them without infringing their liberty " (Seventh Conference). A little further on, dealing with the legislation of the Fourth Lateran Council, he writes: " On the whole these laws, with all their discriminations, so painful to us now, were simply part of the measures which a Christian society then took to safeguard its members, their faith and their dignity. Various historians have rightly observed that these legislations were inspired by the spirit and letter of the Mosaic codes, since for the Christians of this period the Old Testament was still a compendium of divine ordinances valid for all time. It is equally right to remark that the majority of the limitations on the liberty of foreigners were similarly imposed by the traditional Jewish law, as wc find it in the Talmud, on Gentiles and on pagans, as threatening the religion and life of the Jews. And it has to be added that many of these prescriptions were often lost sight of and violated in practice, and had to be promulgated anew. It was not only people and princes who made light of ecclesiastical prohibitions; several Popes either abrogated precautions taken by their predecessors, or took no notice of them ** (Eleventh Conference).

[1] Jacques Maritain, Qi/cj/wnr *de conscience,* p. 85. Since the ghetto became obligatory only towards the fifteenth century the author here employs the word " as symbolic of a certain politico-juridical conception".

considerable. But *the Jewish* problem remains. How could religious liberalism provide the solution? It ignored on the one hand the mystery' of the Church on which hangs the notion of a truly human temporal order; and, on the other, it ignored the mystery of Israel, of the election that still rules the destinies of this people and will do so till the day of its conversion. Some notice *will* have to be taken of this two-fold datum if it is desired to fix the place of the Jews in the Christendom of the future."[1]

D. The Position of Heretics

The condition of heretics in the old consccrational Christendom was quite other than that of the Jews and of simple unbelievers.

Instead of flourishing outside the Church like Judaism and paganism, heresy is an evil that infects her own subjects, those who belong to her fully and visibly; gaining on her like a cancer on its parent organism. The Church has then to fight in her own members against the seductions that carry them away. She can avail herself of canonical penalties to remind them of their former solemn promises and to save the rest of the faithful from apostasy. The common doctrine of the Church has always looked with very different eyes, first, from the speculative standpoint, on the infidelity of Jews and pagans as compared with that of heretics; and again, from the canonical standpoint, on those who have never been her members, as compared with those who at first were so and have fallen away.

These considerations are valid for all ages. But in the Middle Ages the position of heretics had a special significance. In a society which never pretended to contain any but Christians, any but visible members of the Church, heresy loomed up unexpectedly as something anarchic, something capable of destroying the whole political and social structure from within. It amounted to a crime against the public safety. And a crime it would have to remain until it became strong enough itself to form independent political organizations of its own and to defend them by arms—when we have the period of the "wars of religion"; finally new heretical States arose, also modelled on the consccrational ideal, and, like the medieval State, proscribing any new "heresies" that might arise within them.

[1] The '' emancipation of the Jews effected by the French Revolution is a fact which civilised peoples, if they want to remain civilised, will have to take for granted. In itself, it was a just thing (responding to an aspiration that was, in reality, Christian). But the rationalist and optimist bourgeois ideology—unaware of the mystery of Israel as of all supra-indindual realities, and usurping the name, noble in itself, of liberalism—hoped that it would extinguish the Jewish problem, a hope quickly proved vain. It seems that the times on which we are entering are called to another experiment. It would be fundamentally different from the medieval one but would correspond to it analogically, and would *temporalise,* if I may so put it, and proportion to a *secular* type of civilisation, a problem which the Middle Ages looked at from a consccrational standpoint.*' As opposed to a " parody of the medieval solution ", we must envisage "a Christian *pluralist* regime based on the dignity of human persons and complete equality of civic rights, which would grant a special statute on the one hand to various spiritual families (and therefore to the Jews), and on the other to national minorities not easy to assimilate (and here again we should find the Jew's)/' (J. Maritain, *Quations de conscience^* pp. 86-90). The State of Israel was proclaimed on the 14th May 1948. See also my book *Destinies <TIsrael,* Paris P.U.F., 1945.

Thus, as long as temporal society was ruled by this consccrational ideal, which, at the fall of the Roman Empire, saved the Western world—but which eventually ceased to be useful—heresy amounted to a political disorder with which it was impossible in principle to make terms,[1] whether it was professed inwardly in good faith or bad. Let us rather say that as long as the consccrational temporal order was legitimate, the political harmfulness of all heresy was evident to everybody, and that in this sense good faith could not be presumed.

When the consecrational temporal order broke down, it was the spirit of indifference, of unbelief, of hatred of Christianity, religious liberalism grown powerful on account of the scandalous divisions of the Reformation, which was to take up the tale and put its stamp on Western civilisation. And that is why the Church tried to save the old order of things for as long as possible. Wc may venture to think that she would have defended it less energetically—that she would have abandoned it spontaneously, even boldly—if she had found a more enlightened faith and a higher sanctity in more of her children, and if, in consequence, she had felt it possible to pass to a secular Christian order without any tragic break.

E. Characters of Consecrational Christendom

I. COMPENETRATION OF CHURCH AND STATE

From a first regime in which she had remained external to the State, which had showed itself hostile and persecuting but later became more friendly, the Church passed gradually to a regime in which a portion of her being became entangled in the stuff of the State and there took on a growing importance.

Undoubtedly *in herself* the Church remains outside and transcends all states, whether we consider her primary essential function which is to form the Kingdom of God, or her secondary essential function which is to sanctify the social, political and cultural work of mankind. But *historically,* by reason of the Christian values included in the very definition of the medieval State, the Church came in a way to be mirrored in the State; which nevertheless remained essentially distinct from her and inadequate to her. Thus the State received a consecrational character.

The Church exerted a profound influence on the affairs of the State. She was involved, in a way, with the administration of the temporal, by the fact that the very texture of the "consecrational" temporal order comprised supernatural values, such, for instance, as the profession of the Catholic faith, which none but she could define or control. Not that she needed to encroach on the jurisdiction of the princes. But she was then doubly authorized to remind them of their duty to defend the common good of the State:

[1] I say " in principle ", since, as St. Thomas remarks, for fear of greater evils the Church may allow Christian princes to tolerate even the rites of heretics when these are very numerous (II–II, q. 10, a. 11).

first under her general and permanent tide as guardian and illuminator of temporal values; and then under a special and temporary title, due to the supernatural element incorporated and incarnated in die structure of the consecrational State. It was never, to be sure, the business of the Church herself to defend the faith considered as representing political values, or herself to take up arms on behalf of the State and the spiritual interests embodied in it. But under a consecrational regime she could impose this duty on princes with very special insistence. There we have one of the reasons for the intimate compénétration of the spiritual and the temporal in medieval times.

2. "church" AND "CHRISTENDOM" PARTIALLY SYNONYMOUS

We can, and commonly do, distinguish *Church,* the spiritual and indefectible Kingdom, from *Christendom,* that is to say the temporal and perishable kingdoms, the societies which, being consecrational, themselves insisted on unity of faith, but as an element of their political unity.

However, since a consecrational Christendom comprised a spiritual clement as one of its components, and was so penetrated by the Church that the latter descended in a way into the very heart of the State, there was a natural tendency *to extend the name of the Church to cover Christendom itself* Taken in this large and improper sense the Church englobed Christendom.

It was on this account that, haring quoted Gregory IX, who in 1229 saw in the University of Paris "the river that waters and fertilizes the whole paradise of the Church", and Jourdain, who considered it (along with the priesthood and the Empire) as the third of the institutions necessary to the Church, Etienne Gilson adds that "we observe at this period a strong tendency to identify . . . Christendom with the Church, as if the temporal and historical matter had already been wholly absorbed into the spirituality of its end. In reality, the University of Paris never was, and could not be, an institution of the Church, but was rather a French institution adopted by the Church to become an essential pivot of Christendom. We must be quite clear on this point, which is not without its importance even for the present state of the problem of Christendom."[1] We have seen St. Thomas writing that the Jews are bondsmen of the Church[2] (by reason of their temporal submission to the prince of the Pontifical State, or the other princes of Christendom); and again that the Church has tolerated the rites of unbelievers[3] (it was in Christendom, not in the Church that the rites were tolerated); and he says in a *Quodlibet* that the Church has armies and that the kings are her vassals[4] (which can evidently be valid only for Christendom and for the Pope as a prince of Christendom). When Pope Boniface VIII declared in the Bull *Unam Sanctam* that the Church "has both swords, that is the spiritual and the

[1] "La tradition française et la chrétienté0, in Π^τZζ, no. 1, 1931, p. 68.

[2] II-II, q. to, a. 10: " Cum ipsi Judaei sint servi *EaUsûu* *cf.* a. 12, ad 3: "Judaei sunt servi *principum."*

[3] ibid., a. il.

[4] *QyodL* 12, q. 13, a. 19, ad 2.

temporal, in her power", he affirms that the temporal power is in the bosom of the Church only because he too takes the word Church in the sense of Christendom.[1]

However, in the Middle Ages the word "Christendom" was usually taken in a sense rather different from that of the word "Church". It always connoted, whether directly or indirectly, proximately or remotely, the Church herself. But it directed attention rather on her lay elements, her relations with die world of culture, her temporal interests, her social activities and embodiments, the organized political whole she was trying to sanctify, and even on the peoples of the Byzantine Empire which the Middle Ages never gave up as finally lost to the unity of the Church.[2]

3. CONSECRATIONAL CHRISTENDOM A DYNAMIC IDEAL RATHER THAN A REALIZED IDEA

I shall try to define this consecrational Christendom, to grasp it in its essential type. But this essential type was never completely embodied in concrete fact along with all its implied consequences.

It was on its way to realization in medieval times. It showed itself first as a formative impulse directing and sustaining the movement of culture, like a seed fallen into the soil of history and there gradually unfolding its virtualities. As the Church came to fuller consciousness of her victory over the ancient world, the spiritual clement she had deposited at the heart of the consecrational society gained ever more and more control and more clearly manifested its exigencies: thus, for example, the measures taken against heretics became more rigorous and even extended to the Western schismatics;[3] thus the excommunication of princes, by a consequence that does not seem to have been directly envisaged at first, began to involve their deposition.[4]

While the consecrational order was evolving in accordance with its own internal logic and was revealing its multiple implications with ever greater precision, it seems that faith too would have to keep pace with it and become ever more and more delicate and more profound: for although the consecrational order, being temporal, could tolerate many defects,[5] it nevertheless tended to establish a very high ideal of social life, and one that was deeply saturated with the data of revelation.[6] Unfortunately, instead of presenting

[1] Dcnz.. 469. He said himself that he neither desired to confuse the two powers nor to pretend that the King of France held his kingdom from him. 1 have cited above a text of Francis of Vittoria according to which the spin tual and the civil societies make up thesingle body ofthe Church, p. 206, n. 1.

[2] "If the *Ecclesia* is the society of Christians as under the jurisdiction of the hierarchy, the *Christianitas* is the society of Christians as subject to the jurisdiction of temporal rulers" (Jean Rupp, *L'Idée de chrétienté dans la pensée pontificale, des origines à Innocent* III, Paris 1939, p. 127).

[3] As I have just said, the Eastern Church was not yet given up as hopelessly schismatical. And even today we term it not "schismatic", but "dissident

[4] Did the bishops, meeting at Compïègne to sit in judgment on Louis the Pious "already feel that they could depose the Emperor? Apparently not" (H.-X. Arquillière, *L'Augustinisme politique,* P· 129).

[5] Cf. St. Thomas, I–II, q. 91, a. 4; q. 96, a. 2.

[6] "With the absolute ambition, the ingenuous courage of childhood, Christendom set to work to raise an immense stronghold, at whose summit God should be enthroned. It prepared a throne

the spectacle of an interior growth of the evangelical life, the end of the Middle Ages displays, in every branch of human activity, the advent of a spirit of independence finding ever more and more difficulty in accommodating itself to the rules of the faith and of the Christian life. The demands of the consecrational regime became more and more imperious, but the difficulty of maintaining and applying it increased from day today. The Sovereign Pontifls were constrained to a growing severity'. From Gregory VII or from Innocent III, to Gregory IX, to Innocent IV, to Boniface VIII or to St. Pius V, their task seemed to become ever more overwhelming. We feel that the end of a world is in preparation and that consecrational Christendom, whose role had been so glorious, was beginning to crumble under its own weight.

a. AUTHORITY OVER THE TEMPORAL IN A CONSECRATIONAL REGIME

A. The Power of the Prince

St. Paul recommended the faithful to obey authorities that were pagan, but, in the Middle Ages, faith and communion with the Church became indispensable for the legitimacy of the princely authority'.

Ï. THE PRINCE NECESSARILY A MEMBER OF THE CHURCH

St. Thomas relies on the authority of Gregory VII, who released the subjects of an excommunicated prince from their oaths of allegiance, to establish that an apostate prince cannot retain his power.l Why not? It was not because unbelief of necessity does away with dominion: for an unbelieving prince can rule legitimately over unbelievers, and, in certain cases, over believers. It was in virtue of particular historical circumstances which gave the Church the right to intervene in the organization of political society on account of the Christians who were its members. 'Unbelief, *in itself,* is not inconsistent with dominion, since dominion is a device of the law of nations which is a human law; whereas the distinction between believers and unbelievers is of divine law, which does not annul human law. Nevertheless a man who sins by unbelief may be sentenced to the loss of his right of dominion, as also, sometimes, on account of other sins."

A little further back St. Thomas treats of dominion and unbelief in a broader way, not in connection with apostasy, but with the simple unbelief of a prince who had never belonged to the Church, and who therefore can

for Him on earth because it loved Him. Thus all human beings were stamped and ordered, protected and sealed by die sign of consecration, at least in the love that made them living." In a secular regime the temporal unity " will not be, as was the consecrational unity of mediaeval Christendom, a *maximal* one; it will be, on the contrary, *minimal,* its core of formation and organization in the life of die person not being on the highest lex-el of the latter's supra-temporal interests, but on die plane of die temporal itself. And it is for this reason that this temporal or cultural unity does not, in itself, require a unity of faith and religion, and that it can be Christian while including non-Chrislians in its circle" (J. Maritain, *True Humamsm,* pp. 7 and 165).

1II-II, q. 12, a. 2 *red contra.* The text is in the *Dcrrctum,* Part II, cause 15, q. 6, c. 4.

never be subject to any canonical penalty.[1] The principles involved are the same. Dominion and authority *[dominium el praelatio]* are institutions of human law, while the distinction between faithful and unbelievers anses from the divine law. Now the divine law, which is the law of grace, does not do away with human law, which is the law of natural reason. Wherefore the distinction between faithful and unbelievers, *considered in itself,* docs not do away with dominion and authority of unbelievers over the faithful. Nevertheless this right of dominion or authority can be justly done away with by *the sentence or ordination of the Church,* which has the authority of God. And here is the reason: since unbelievers in virtue of their unbelief deserve to forfeit their power over the faithful who are converted into children of God.

Thus therefore certain effects of the law of nations, such as the principle of legitimacy, can at times be set aside by sentence of the Church. On the consecrational hypothesis it is in fact clear that society cannot be left to an apostate prince nor entrusted to an unbelieving prince. The legitimate prince is a member of the Church, *intra Ecclesiam.*[2]

2. THE TWO POLITICALLY LEGITIMATE REGIMES RECOGNIZED BY THE ANCIENTS

The texts of St. Thomas himself thus introduce us to two political regimes, both legitimate.

In the first, the prince is an unbeliever. His power, based on human law depending on natural reason, is entitled to respect by the Christian conscience. The Apostle Paul recognises the authority of a prince, such as Nero, and he speaks to the Philippians (see St. Thomas II–II, q. io, a. io, obj. 2) of saints in Caesar's household (iv. 22).

In the second regime, political unity demands religious unity. Hence no unbelieving prince can be legitimate. Also there will be no question of appealing to any unbelieving potentate without—that is to say to any not incorporated in the Catholic Church—to rule the Christian society.[3] Next, if we suppose an unbelieving prince whose subjects are beginning to pass to the true faith, this prince could be repudiated as soon as conversions became numerous enough[1] to warrant, without injustice or scandal, the foundation

1 II–II, q. 10, a. IO.

2 The celebrated formula of St. Ambrose: *Imperator intra Ecclesiam, non supra Ecclesiam est,* undoubtedly calls for explanation. It is *as one of the faithful* that the Emperor is in the Church. As Emperor he is neither " within " nor " above " the Church; he is " outside " and " below " the Church understood in the proper sense. St. Ambrose himself regarded the priesthood and the Empire as two distinct powers, consequently exterior to each other, the second being subordinated to the first. But if the Church is taken as synonymous with Christendom it is true that the Emperor, as such, is in the Church, in Christendom. On the thought of St. Ambrose sec Pierre Batiffol, *Le siège apostolique,* Paris 1924, p. 81.

3 " Hoc nullo modo permitti debet." That is on account of the peril to the faith of the weaker subjects; and of the contempt of unbelieving princes for the faith, should they learn of the faults of the faithful (this last is St. Paul's reason when he forbids Christians to earn· mutual accusation before pagan tribunals) (II–II, q. 10, a. 10).

1 "The dominion of Caesar, before the division of believers and unbelievers, was not annulled by the conversion of some Christians *[aliquorum]* to the faith " (ibid., ad 2).

of a consecrational State. Finally, an apostate prince will be deposed. As we see, the duty of civic obedience to pagan Emperors like Nero, or "apostates" like Julian,[1] recognized under the first Christian regime, ceased to be justifiable under the second.

The conditions of legitimacy could thus undergo profound modifications when the constitution of political society was altered.

3. "POLITICAL AÜGÜSTIN'IANKM" AND "CONSECRATIONAL POLITICS"

Why was the primitive principle of legitimacy judged to be insufficient in the Middle Ages, and under what immediate ideological influence was it transformed?

This change was certainly due to a large extent to the current of thought known as "political Augustinianism".[2] Numerous ecclesiastical writers, taking their cue from texts of St. Augustine on the impossibility of any true justice, any true peace, and consequently any true republic, before the coming of Christ, concluded—but against Augustine's own thought—that the ancient world, and, more generally, all unbelieving nations, could enjoy no incontestable political rights, and that the Church alone could introduce the principle of political legitimacy to the peoples she converted. There can be no question of denying the importance of this movement of ideas, which developed, as wc have indicated, on the margins of the authentic theological tradition. But precisely on that account it fails to provide the fundamental explanation of the medieval political system; and I believe that the greater part of its success came from the fact that it was a *very* much simplified and very crude justification of a state of things which rested in reality on much more complex and much subtler considerations: a state of things which I have called the consecrational political regime.

Thus, the principle of political Augustinianism would explain, doubtless very clearly, that an apostate prince, by leaving the Church in which lies the source of all legitimate political order, would at once lose his rights of dominion. But the explanation would be a bad one, because, by starting from the same premises, we could conclude that the princes of unbelieving peoples were without rights and could be dispossessed simply in virtue of their unbelief. That, in fact, is how the opponents of Cajetan, Vittoria, and Las Casas reasoned at the moment of the conquest of the West Indies.

In the light of the principle of the consecrational State things take on a different aspect. There exists a human law, based on reason, which is not necessarily done away with when the divine law, based on grace, supervenes. Outside Christendom, this human law is the sole one. It ought to be held as sacred by Christian princes, and also by the faithful who live scattered among the nations, in conditions analogous with those of the Christians in the time of Nero or Julian the Apostate. But in societies whose political unity is based on unity of faith, where Christians are organizing themselves

[1] Q. 12, a. 2, ad i. Cf. above, p. 224.
[1] The tide of Arquillière's book, Paris 1934.

politically as Christians, when the regime is consecrational, a new element, of which the Church alone is judge, enters into the qualification of the citizen, and, *a fortion,* that of the legitimate prince. It is evident that a man under excommunication cannot retain the dominion. Human law, founded on reason, is not indeed renounced; it is partially neutralized by the law inscribed in the very constitution of the society and vanishes in the exact measure in which it opposes the superior exigencies of this fundamental law. Is not that, after all, the teaching of James of Viterbo? He poses the question: Was the temporal power instituted by the spiritual power? Or does it find its foundation in nature? "Between these two opposed paths we can find a middle and more reasonable one by saying that the temporal power results *materially and initially [inchoative']* from the natural inclination of men, and therefore from God Himself inasmuch as a work of nature is a work of God; but that it results *formally and fully [perfective]* from the spiritual power... That a man receives authority over men belongs to human law founded on nature. But that one of the faithful receives authority' over the faithful, comes of divine law, issue of grace. For it is grace, not nature, that makes the faithful; and since the divine law is in the hands of the Vicar of Christ, it is to him that belongs the institution of faithful kings and of temporal power over the faithful as such. Also in the Church [here read Christendom] the temporal prince has power over men by human law and over the faithful by divine law. And if the faith fulfils *[informal]* nature, the spiritual power institutes the temporal by fulfilling it and fulfils it by instituting it."[1]

4. INSTITUTION AND DEPOSITION OF THE TEMPORAL POWER

i. In seeking to justify the formula of Hugh of St. Victor, famous in the Middle Ages, according to which "the spiritual power has to institute the temporal that it may exist, and must judge it if it behaves ill",[2] James of Viterbo distinguishes, in the passage cited, two complements, two fulfilments, which the political authority can receive from the spiritual order: first that of faith, without which it would be neither wholly true nor complete; and then that of the approbation and ratification of the "sacring", the anointing.

Of the necessity of faith and visible membership of the Church enough has been said. Clearly, such will not suffice for a principle of legitimacy: in itself, it is simply a prerequisite. Accidentally, however, in virtue of circumstances, it could decide accession to the throne.

What now is the meaning of the sacring, the consecration, the anointing? It was left undecided. In itself it was but a simple sacramental designed to call down the divine benediction on a Christian prince? But in certain

[1] *De Regimine Christiano,* 1301-2, ed. H.-X. Arquillière, Paris 1926, pp. 232-233.

[2] "Nam spiritualis potestas terrenam potestatem et instituere habet, ut sit, et judicare habet, si bona non fuerit" (P.L. CLXXVI, 418). The same formula occurs, hardly modified, in the Bull *Unam Sanctum*·. "Nam veritate testante, spiritualis potestas terrenam potestatem instituere habet, et judicare si bona non fuerit" (Denz., 469).

[3] Cf. St. Thomas, *In IV Sent.,* dist. 24, q. 1, a. 1, quaest. 3, ad 3. "The royal anointing did not exactly create the royal right: it partly presupposed it; it was not the absolute sign of legitimacy

historical crises it could take on a larger significance; and, for example, in the case ofa competition for the throne, it could sen e to designate that candidate whose faith and communion with the Church was beyond doubt, and who alone, in consequence, could remain legitimate prince. The consecration then sened for a sign of loyal membership of the Church.

2. It was within the outlook of a consecrational political organization, and in the limited way we have described, that the Church could be said to institute the temporal authority. We shall have to retain this outlook to understand how she came to be able to depose princes. Her canonical power itself gave her the right to excommunicate a prince guilty of apostasy or of some scandalous crime. The consequence, in a consecrational regime, was dear. St. Thomas, relying on the authority of Gregory VII, formulates it thus: "As soon as sentence of excommunication is passed on a prince for apostasy from the faith, his subjects are *ipsofacto* absolved from his authority and from the oath of allegiance whereby they were bound to him." The excommunication necessarily entailed deposition, and the canonical intervention thus penetrated into the very heart of politics. But this necessary consequence was operative only in a consecrational regime; and, in this sense, it can be said to have been accidental. We see in what context wc must place the sentence of 1080, by which Gregor)' VII, for the second time, excommunicated and deposed King Henry.[1]

Up to this point we have considered the deposition of princes only in an abstract and theoretical way. In practice, things did not stop there. We see the Pope placing the vassals of an apostate prince under obligations of conscience to take up arms against him, and to take the responsibility for violent action *on themselves'.* that much he could still do in virtue of his canonical power, as we shall soon see. But we further see the Pope *himself* take over the direction of military operations against rebellious princes: that is something he could not do save in virtue of a temporal and extra-canonical power, as prince, for example, of the Pontifical State or as Protector of Christendom.

3. In a text already quoted St. Thomas wrote that " this right of dominion

that it necessarily was for the ' theocracy' of the Old Testament. The prince who received it already occupied the throne, and exercised kingly functions " (H. Clérissac, O.P. "Jeanne d'Arc, messagère de la politique divine ", *Chimiques du roseau d'or,* no. 2, Paris 1926, p. 5). See Maritain, *Man and the State,* Chicago 1953, p. 130: "A great deal of confusion had . . . occurred in the Middle Ages because the solemn anointing or coronation of the king, by sanctioning from the sacred heights of the supernatural order his right to command in the natural order, conveyed to him, as servant or secular arm of the Church, a reflection of the supernatural royal virtues, bounty, justice, and the paternal love of Christ, Head of the Church. From this point of view the Middle Ages might regard the king as the image of Christ. But in the natural order, which is the order of political life, he was not the image of Christ, he was the image of the people. Theologians, especially in the Thomist lineage, were able clearly to make that distinction. But medieval common consciousness remained enmeshed in an ambivalent idea of the Prince."

[1] " I excommunicate and bind under anathema, Henry who is called King and all his abettors . . . I forbid him once more the kingdom of Germany and Italy and take away from him all power and royal dignity, I forbid any Christian to obey him as his king and I absolve from all oaths past and future which have been or shall be taken to him as a king" (H.-X. /Xrquillière, *Saint Gregoire VII, Esiai sur sa conception du pouroir pontifical,* Paris 1934, p. 193).

or authority [of unbelievers over the faithful] can be justly done away with by the sentence or ordination of the Church which has the authority of God: since unbelievers [here, those who have never been subjects of the Church] in virtue of their unbelief deserve to forfeit their power over the faithful who are converted into children of God."[1] And Francis of Vittoria explains, in his commentary on this article, that "wherever there are Christians the Church has rights over them; and that is why, in punishment for their infidelity, since unbelievers might turn Christians from their faith, the Church can do away with the power of unbelievers." It is certain in fact that wherever there are Christians the Church has divine authority to intervene and to defend the faith: in her own spiritual way however, and by the spiritual means (material or moral) that are properly hers. It is further certain that the Church will have the right—but solely in a consecrational regime—in order to defend the faith which has accidentally become a political value, to have recourse to those severe means which societies commonly use to protect their own existence and fundamental laws against enemies within and without. From this standpoint St, Thomas is able to affirm with justice that the Church always has the right to annul the dominion or lordship of unbelievers over Christians; and that, when she abstains from its exercise, it is merely "to avoid scandal".[2] But neither he nor the medieval writers envisaged the possibility of another type of Christian society that would not demand unity of faith and visible communion with the Church as the indispensable basis of political unity. They knew only of two forms of political legitimacy: that of the paganism mentioned by St. Paul; and that of consecrational Christendom which they hoped would last till the end of the world, and which is to-day no more. For my own part, I believe in the coming of a third form of political legitimacy, that of a secular Christendom.

B. The Power of the Clergy

It was the canonical power that directly pertained to the clergy; but, as we shall see, an extra-canonical or temporal power could, for various reasons, be superadded.

I. THE FIELD OF THE CANONICAL POWER IN THE MIDDLE AGES

The canonical power exists for the spiritual kingdom, for the Church. Its essential and permanent task is to rule this kingdom, to extend and defend it by those spiritual means alone (whether of the material or the moral order) bequeathed her by Christ and the Apostles; and not by the heavy-handed political means with which princes are accustomed to rule the kingdoms of this world. "Jesus said to him: put up again thy sword into its place, for all who take the sword shall perish with the sword" (Matt. xxvi. 52). "My

[1] II-II, q. 10, a. io. St. Thomas refers to the passage of St. Matthew (xvii. 24-27) on the "children who are free". (We know that in fact this incident referred to a debt to the Temple and not to the Roman Treasury). Cf. above p. 244.

[2] ibid. Even then, however, the Church herself, and as such, cannot have recourse to arms.

kingdom is not of this world; if my kingdom were of this world my servants would certainly strive that I should not be delivered to the Jews" (John xviii, 36). That applies to the Church as such, for all time, and for every country on earth.1

But a special phenomenon appeared in the Middle Ages. In virtue of the principle that bases political unity on the unity of visible communion with the Church, a spiritual clement descended into the civil order and became one of its components. Since this clement, taken in itself, was spiritual, it remained subject to the Church which had sole authority to define and control it. However, from the fact of its incorporation in the city it could and should be defended not only with spiritual ends in view, for the sake of and by the spiritual means of the Church, but also with temporal ends in view, for the sake of the civil order and by the temporal means at the disposal of states; it could and ought to be defended not only as a value of Christianity, but also as a value of Christendom. To the degree in which the constitution of the medieval society recognized the faith as a value intrinsic to its common good, it is clear that the Church could require the faith to be defended with all the machinery used by cities in defence of their common good.

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2. THE CANONICAL POWER'S TWO WAYS OF CALLING ON THE SECULAR ARM

Here we enter on the delicate problem of recourse to the secular arm. We can imagine two ways in which the canonical power might call on the secular power for its use, and two ways in which the secular power might subordinate itself to the canonical.

Either the secular power consents for the moment to act for a spiritual end, for the sake of the Church as such—by expelling, for example, at the Church's request, public sinners less noxious to itself than to the Church, whose moral standards are stricter. In that case it puts itself at the disposal of the canonical power as a pure instrument, the latter taking the initiative and the direct responsibility, and merely requiring the thing to be done with due regard to its spiritual nature and with less than the usual temporal severity. What is done thus by the secular arm is spiritualised by the Church and pertains to her own kingdom.

Or else the canonical power, by reason of the spiritual element interwoven into the very texture of the temporal and constituting its supreme value, throw's its influence over the temporal as a whole, making it a pressing duty for the secular power to defend this supreme value by its own proper means, and to oppose those who seek to overturn it, in its own proper way.

In the first case, the Church asks the secular power to act as a pure instrument for the Church's ends and in the Church's way. In the second case she asks it to act as an autonomous temporal cause fulfilling its proper temporal task (that she can do at all times) while specifying (and this she

1 Wc may recall the words inscribed by Cardinal Lavigerie on the front of the Cathedral of Algiers: *Ecclcsia Christi moriendo. non occidendo, triumphavit.* Or again, the words of Thomas Becket: ,Yσπ *(St dei ecclesia custodienda more castrorum.*

can do only in a consecrational regime) that the fulfilment of the temporal task involves the defence, by temporal means and in a temporal way, of those spiritual values that arc bound up with the temporal.

3- THE TWO SWORDS

To the question: does the Church hold both swords? we can now, from a strictly theological standpoint,[1] give a first answer.

It is to be noted to start with that the "spiritual sword" means the canonical power, which is not merely coercive but also legislative and judiciary, and that the "material" or "temporal" sword means the secular power, which also is not merely coercive but legislative and judiciary. That the Church holds the spiritual sword is clear enough. Further, to the extent to which she can have recourse to the "temporal sword", it may be said that she has it, possesses it. But this possession is to be understood in two very different ways.

The Church holds the temporal sword above all when she makes it serve as an instrument for ends that are directly spiritual (from which action the State also will reap advantage). Thus she transforms an instrument which in virtue of its end is temporal into one that in virtue of its end is spiritual. She makes it her own. But on condition that she directs its use, restrains its violence, forbidding for example the shedding of blood and the death penalty, and so refusing to hold as licit for herself what is so only for the State, to confuse the righteousness of the Kingdom of Heaven with that of the kingdoms of this world. Because it is the mission of the Church to embody the Kingdom of Heaven *in* the world and to take all the measures this demands, she can on occasion, notably in certain political conditions which were those that obtained in medieval society, use the temporal sword as an instrument and thus extend her field of action; but because the Church is not a kingdom *of* this world she cannot use this temporal sword without many restrictions.

Again, the Church has the temporal sword, this time in quite another sense, when she asks or commands the State to use it for ends that are directly temporal; and in the consecrational State she has a special title to do so on account of the Christian values incorporated in society. She docs not then transform the sword into an instrument of the spiritual; she leaves it all its character as temporal means—to be used with justice and charity certainly, but in accordance with the measure of justice and charity that God has assigned to the kingdoms of this world, differing widely from the measure He has assigned to His own Kingdom amongst men. To speak strictly, the temporal sword then remains with the State, which has the direct use of it; it belongs to the Church only in a broad sense, and she cannot take the responsibility for the temporal character of the effects produced.

[1] Wc shall not yet concern ourselves with the *historical* sense of the distinction in St. Bernard and then in Boniface VIII who uses it in the Bull *Unam Sanctam*·. " Both swords—the spiritual and the material—arc in the hands of the Church: one to be drawn *by* the Church, the other *far* the Church; one by the hand of the priest, the other by the hand of kings and warriors, but at a sign from the priest and under his direction " (Denz. 469. Sec below pp. 323).

4. THE CANONICAL POWER NOT RESPONSIBLE FOR BLOODSHED

To defend a spiritual value, inasmuch as in a consecraLional regime it has become a civic value, by the temporal means at the disposal of the State, notably by recourse to war and the punishment of death, is a task that can doubdess be called spiritual by reason of the thing defended, but is of itself, and formally, a temporal one. It is carried out by the State. But the Church is concerned in it. How?

I. She is concerned, clearly enough, in this sense, that she asks and commands the State to cam- out, in its own name and on its own responsibility, this temporal task. She is acting then as the Church, and with spiritual authority. But the State, if it does its duty and obeys, will act as temporal authority and on its own behalf (not as instrument of the Church and on behalf of the Church), and the responsibility for adopting severe measures will fall on the State and not on the Church. The latter, writes L. Choupin, "is, by divine right, judge of the obligations lying on the faithful. She can therefore remind and admonish the prince of the duty that lies on him to use force not only to apply the temporal penalties[1] inflicted by her, but also to punish by severer chastisements those grave religious offences which are, at the same time, social crimes,[1] a duty which the State is to fulfil in its own name, and by no means in the name of, or by the authority of, the Church. And since the Church does not only judge of duties in general, but also of particular cases, she can easily, in certain determinate circumstances, admonish the prince, with sanctions at call (interdict, excommunication), that he is bound in conscience to act with severity, to use the sword (in his own name, not in that of the Church) against the enemies of religion, as he does against other disturbers of the public peace, of the social order, e.g., against incendiaries. A prince who is gravely negligent in this matter, as in all that touches the moral order, is subject to the jurisdiction of the Church."[3]

2. It is of the first importance here to state the rôle of the Church with precision. It belonged to the spiritual mission of Christ to remind men of what they owed direcdy to Caesar—thus He confirmed Caesar's authority, but did not act as a temporal king and make Caesar's rights His own, or abolish the dividing-line between His kingdom and those of this world. Similarly it belongs to the spiritual mission of the Church to remind the State of the duties of its temporal mission, to ask it, even in some circumstances to direct it, to act in accordance with its own temporal laws, for its own temporal ends, which are good: thus she sanctions and defends the

[1] That is, sensible, corporal, as opposed to moral penalties; as to their end all canonical penalties (corporal or moral) arc spiritual.

[*] In connection with the heretic delivered to the secular arm, the same author writes a little earlier: " In this case the lay judge does not punish the religious offence merely because it wrongs the religious society, but *also* because it harms civil society, and thus the penalty is indicted, not in the name uf the Church, but in the name of the State." Here we have a mere nuance of thought, or rather of expression. The lay judge could punish heresy by death, *solely* because it harmed civil society by destroying the faith, the supreme value of a consecrational society.

[3] *Did. apol. de la foi caih.,* art. " Hérésie ", col. 452.

rights of the temporal, but does not become temporal herself or exchange her own spiritual ways for the temporal ways of the State. Certainly, if a churchman counsels or directs the State to do anything perverse, this churchman (not the Church: *qui facit peccatum ex diabolo est,* i. John iii. 8) will then be responsible for the *malice* of the ends and effects sought. But when the Church directs the State to obey its own righteous temporal laws (and here we assume that recourse to war and the death-penalty can be sometimes legitimate), she is in no way the cause of, and consequently in no way responsible for, the harsh and temporal character of the means employed or effects sought. She can adopt and approve this character, if you like, for the sake of the State, never for her own sake; somewhat as God made time for the sake of mutable things, not for His own sake, since He is unaffected by time. She cannot err to the point of considering the means, even just means, freely used by temporal kingdoms, as suitable means for the Kingdom of Heaven; or of confusing the righteousness of Caesar's business with that of God's business. Just as a saint does well to direct a beginner to act in accordance with the ways of beginners—ways that would sully his own soul and arc not to be ascribed to him without injustice—so the Church does well to require things from States which are just for States, but would not be just for her. Only those could blame her who lack a sufficiently deep understanding of the Gospel distinction between the spiritual society and temporal societies.

3. The objections brought against this interpretation largely arise, I believe, from imagining the Church as utilizing the harsh means of the State—such as the punishment of death and war—as instruments for her own spiritual ends. Evidently, if the sword could be properly drawn for the ends of the Church, then it would really be the Church herself who drew it, and the Church would be immediately responsible (with an immediacy not perhaps of contact, "suppositаl", but certainly of action, of "virtue", which is more important). On this hypothesis, the Church as such would have the right, at least in an eminent manner, to have recourse to the death-penalty and to war. In the Middle Ages she would have effectively dipped her hand in blood, and assumed the responsibility for bloodshedding.[1] That, I agree, was a very common view among the theologians and canonists of the Renaissance. Suarez even calls it "Catholic".[2] However, in the eyes

[1] L. Choupin thus sums up this opinion: " The right of the sword belongs to the Church in a *mediate* manner, in such a way that the Church has the right to turn to a Christian prince and oblige him to apply this penalty to the guilty, whom she points out to him. Then the Church would be exercising this power not of herself and directly, but *mediately,* by the secular arm. The civil power, for its part, would be doing a simple good office in the name of the Church: it would be pronouncing sentence and applying capital punishment, not in its own name but in that of the Church. The act is always attributed to the principal agent, not to the mandatory* who executes it " (loc. cit., col. 448).

[1] He cites St. Robert Bcllarminc. But there is a big difference between Suarez' thesis—" Prima assertio catholica: quod, pro haeresi, poena mortis justa sit, et *ex potestate Ecclesiae " (De Fide,* disp. 23. S.I., no. 2)—and that of Bellarmine—" Nos igitur ostendemus, haereticos incorrigibiles ac praesertim relapsos, posse ac debere ab Ecclesia rejici et *a saecularibus potestatibus* temporalibus poenis, atque ipsa etiam morte, mulctari " *(De Laids,* lib. iii. cap. xxi). A little further on Suarez

of modern theologians it seems to be quite uncalled for. Its chief weakness lies in too closely identifying the two societies, temporal and spiritual, and in failing to notice that their likeness is merely analogical. It does not distinguish with any precision between the privileges belonging to the clergy in virtue of their jurisdictional power alone, and those that accrued to them accidentally owing to the peculiar temporal organization of medieval times. We are left to conclude, moreover, that since the Church is a perfect society she has as much right to use the sword as the State, even if not in the same manner as the State.[1] The Church, it was said, possesses it eminently; she takes as such the responsibility' for the holy war against the pagans and for the extermination of the heretics; the forces of the State are no more than her instrument. But this explanation of the great historical events of the Middle Ages involved an abandonment of the high conception of St. Augustine, who agreed indeed to accept the help of the State, but only if it were spiritualized to start with, so that, for example, the Church was not dishonoured by the shedding of blood. And it whittled down the profound distinction made in the Gospel between the Kingdom of God, which does not defend itself by arms, and the kingdoms of this world, which may legitimately do so.

For my own part, I wish to propose quite another view. I have said that by reason of the spiritual values invested in the temporal common good in a consecrational regime, it was this temporal common good itself which the Church required to be defended, by temporal means used in accordance with their own laws. And if the order *of* agents always corresponds to the order of ends, the principal agent who bears the responsibility for the defence of the temporal, can be only a temporal agent; subjected to the Church as an autonomous cause *of* a lower order is subjected to a cause of a higher order, but *not* as an instrument is subjected to its principal cause.

Docs this cover the facts? Did the Church indeed descend no further into the temporal?

She did not, that is if we speak strictly of the canonical power, of the Church as such, of the Church that is Christianity and the Kingdom *of God. But of* course such strictly canonical interventions do not tell the w'hole story of the influence of the clergy on the great events of medieval history. Other prerogatives were involved.

makes the further elucidation (no. 7) that the power of inflicting the death penalty on heretics "resides principally and eminently in the ecclesiastical magistracy and above all in the Sovereign Pontiff; and . . . resides in kings. emperors and their ministers as it were in a proximate manner and in dependance on the ecclesiastical power." St. Robert Bellarminc's view is the same as that of St. Thomas—the heretic is condemned as a heretic by the Church, who thenceforward abandons him to the secular power.

[1] The great argument, or even the sole argument alleged, writes Choupin, was that the Church, being a perfect society just as much as the Slate, has as much right to the sword as the State. Now this is a sophism. If two perfect societies have different ends, the difference of end involves a difference of means, and so also a diversity of rights (loc. dt., col. 450). The word "society" is to be applied analogically to Church and to State.

5. THE EXTRA-CANONICAL POWERS OF THE CLERGY

Since the canonical power is spiritual, the extra-canonical powers here referred to cannot, in themselves, be other than temporal.

i. The existence of one of these is contested by nobody. To safeguard the independence of his spiritual and apostolic power the Sovereign Pontiff was led—in the eyes of the Middle Ages it was the best solution—to assume a temporal and political power. He was the head of the universal Church; he became, besides, the prince of a Roman State. He had to assume therefore all the cares of a temporal administration, to react by force against internal disorders (seditions, robberies, heresies and the rest) or against attacks by Christian princes or by Saracens. Hence too he had to have vassals who could be armed and mobilized when the security of the Pontifical or of allied States was threatened. The whole of this vast activity, which occupies so much of the attention of historians, is, in the eyes of theologians, a temporal and political activity juxtaposed to the spiritual and apostolic power with a view to protecting its exercise. The Pope, as ruler of his State, could, and could rightly, do many things which he had neither the right nor the power to do as ruler of the Church. The Pontifical State was one of the kingdoms of this world for whose sake it is allowable to take up arms.

So also in the case of the prince-bishops, we have to distinguish a canonical power which they exercised as bishops in union with the Sovereign Pontiff; and a political power annexed to this, but purely accidentally—a power they exercised as vassals either of the Pontifical State or, more usually, of the kings or emperors.

To the temporal power which the Popes and bishops exercised under any of the regular titles just mentioned, we must add such temporal power as they exercised under some provisional or exceptional title, in order to supply, here and now, for the absence of a legitimate temporal government. "In certain provinces or independent towns, the civil organization was either lacking or not strong enough to repress these disorders [of heresy]. The civil power defaulting, authority devolved upon the Church, who took the place of the prince and exercised his power."[1]

2. Besides the civil principale of the States of the Church, did not the medieval Popes possess perhaps an extra-canonical power of another kind, less onerous in character, but of still wider influence? I think they did.

However much independent of each other the various medieval societies were, they were all based on unity of faith and visible membership of the Church. This amounted to an ontological bond between them. They all had to defend an identical spiritual value incorporated into the very substance of their common good. When this value was threatened, for example by the progress of heresy or Saracen invasion, the common good and ideal of each and all of them was simultaneously imperilled. They could, in consequence, take up arms, and at need they were bound to do so. The duty of so doing

[1] L. Choupin, S.J., lex:, cit., col. 453.

evidently lay on the immediate temporal authorities; and the Pope, who measured its importance, could, in the name of his apostolic and spiritual power, draw their attention to it and lay it on their conscience. So much lias been said already. Something has now to be added.

After Charlemagne the temporal authority in the West was again split up. It did not remain in the same hands. The Empire did not cover all the Christian countries. It was the greatest of them, perhaps, but not the only one. The consequence of this state of things was a corresponding disintegration of the power of defence. Each prince served the interests of his own state and lost sight of the interests of Christendom. The Popes, on the other hand, were well placed to grasp the structural likeness of so many consecrational societies and the grandeur of their common ideology. It was they, in fact, and not the princes, who in the eleventh century with Gregory VII and Urban II were alive to the temporal unity of the West, to the true nature and the true extent of Christendom. When heresy and Islam tried to shake its foundations, they saw it as a single entity, as a general good, superior to the good of each particular society, something to be defended by concerted temporal action co-ordinating the efforts of all societies, and undertaken for the safety of the whole Christian political order.

Could this temporal defence of Christendom be undertaken by the Popes themselves? We know already that in virtue of their canonical power they could oblige Christian princes to defend their own respective societies. But at this period there was no longer any single prince responsible—practically speaking—for the whole of the consecrational temporal order whom they could have charged with the duty of defending Christendom as such. And yet the task was urgent. What happened?

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In default of a competent temporal authority, it was the Pope himself who, under the pressure of events, was to take in hand, not the task of constructing some novel empire on the ruins of the old, but the more disinterested task, less trammelled by politics but political nevertheless, of synchronising and co-ordinating the unequal efforts of the Emperor, the Christian princes, and the knights. This power over the length and breadth of Christendom which thus fell to him by way of default and devolution was, no doubt, not a complete political power seeking, like the rest, to occupy the field of technical and material administration, and destined to supplant the others. It wras a genuine temporal power nevertheless, effectively aiming at the maintenance of the consecrational political order. It acted as a principal universal cause, temporal in character, and utilizing more particular temporal causes as its instruments with a view to the universal common good of Christendom; in other words, it was the Pope, considered now as protector of Christendom, who bore the final responsibility for the temporal defence of Christendom.

If we try to explain it in terms of the canonical power, the rôle of the Holy Sec in the organization of the Crusade would constitute, as M. A. Fliche says, "an *historical paradox,* so much in contradiction does it appear to the traditional order. This, at the end of the eleventh century, always conformed

to the principles enunciated in the famous letter of Gclasius I, often cited by canonists and by polemical writers of various tendencies, laying down that there arc two powers by which this world is chiefly governed, the sacred authority of the Pontiffs and the power of the kings, the first set over the spiritual and the second over the temporal, *in such a way that spiritual action is withdrawn from the temporal domain and that the knights of the Lord are but very little concerned with secular affairs.* If, conformably with this celebrated text, the Gregorian theses claim for the sacerdotal power the right to control the lay power *ratione peccati,* they in no way propose to substitute the Pope for the Emperor in the temporal direction of the world; they do not deny to the latter the power, always recognized as his, to protect Christendom against its enemies within and without."[1]

In reality, continues Fliche, who seems here to be resorting to the explanation I have just proposed, "it was the lack of the imperial power in the Mediterranean lands from the tenth century onwards, which led the Holy See to envisage means to protect the people, whose faith was threatened no less than their material interests, and to organize resistance". The first Pope who realized the gravity of the Mussulman peril, John VIII, never at any time contemplated, in spite of the small success of his appeals to the Emperor, the possibility of substituting himself for the latter to assure the defence of Western Christendom. The situation changed after the fall of the Carolingian Empire during the pontificate of John X (914-928). The vacancy in the Empire led the Papacy "to overstep the limits assigned to its function. Undoubtedly, *it is difficult to say exactly by what title John X was able to aclf-* it remains true nevertheless that for the first time, under his pontificate, the direction of the war against the Saracens fell to the Holy See". With the territorial recession of the Germanic Empire, the struggle against Islam became the appanage of the Normans in Sicily and of the French chivalry in Spain. The Papacy could not remain indifferent to this movement, "in which temporal preoccupations had, no doubt, their part, but in which the Christian faith was equally at stake". The last stage was reached by Gregory VII with the excommunication of Henry IV.

To resume, " the Council of Clermont is the logical and normal upshot of a whole series of circumstances occupying two centuries; the fall of the Carolingian Empire led the Papacy to organize the war against Islam in Italy; the territorially incomplete character of the Imperial restoration of 962 explains why the Germanic Emperors neglected a peril which did not threaten their own dominions, and why the Papacy assumed the direction of a war which so deeply affected the spiritual interests under its care; finally, the Imperial schism of 1080 completed the removal of the Emperor, then excommunicated, from an enterprise which the Holy See seemed to be marked out to conduct, owing to the collapse of the Carolingian tradition".

[1] " Les origines de l'action de la papauté en vue Je la croisade °, in *Revue d'histoire eccUsiastîjuel* Oct. 1938, pp. 765-775.

[s] My italics.

The apparent historical paradox noted by Fliche is easily explained if we admit, as he seems himself to suggest, that the failure of the Empire would necessarily lead the Pope to subjoin to lus apostolic power, held from St. Peter, an extra-canonical power of tutelage over Christendom.

Over and above the spiritual power which he wielded as the Rock of the Church, the Vicar of Christ, and the Pastor of His sheep, I believe therefore that in the Middle Ages he had two quite distinct temporal or extra-canonical powers; one by which he was Prince of the States of the Church (of which we shall speak again); and another, less complete but wader, by which he became the defender, the protector, the guardian of Christendom.1 When he acted as head of the Church and for the defence of the Church, he could not sanction bloodshed. It was otherwise w'hen he acted in defence of temporal interests, as Prince of the States of the Church or as protector of Christendom; for Christendom, like the States of the Church, was of the kingdoms that defend themselves by arms.

It is now possible to complete what has been written from the theological standpoint on the distinction of the two swords. I have said that the Church as such, the Pope as such, can have recourse to the secular arm in two ways: either asking it to become an instrument of the spiritual, functioning for spiritual ends; or treating it as an autonomous temporal cause, left to its own laws, and functioning for temporal ends. We must now add that the Pope, *not* as Pope, but as protector of Christendom and acting as a principal temporal agent, could, up to a point, set the princes in motion as instruments of Christendom; he was then responsible even for the temporal character of the effects produced and ends procured. (And if the cause was just, he could further it, as Pope, by announcing spiritual rewards or penalties.)

6. a "theocratic" or "consecrational" regime?

Should the regime of medieval Christendom be called a theocracy? The word, in fact, is often applied to it by historians. But it explains nothing, and leads to many inaccuracies and misunderstandings.

If the word is taken etymologically, a "theocratic" regime means a government directly exercised by God, whether immediately, as in the earthly paradise, or mediately, by ministers acting in some measure as His instruments.

The spiritual jurisdiction of the Church, the Kingdom of God, could rightfully be called a theocracy, a Christocracy. It must be remembered however that this jurisdiction is not an univocal power, that it is distributed

1 In the case of punishments involving blood inflicted on a cleric fur violation of the civil law—theft, liomicide, etc.—two hypotheses arc possible. Either the responsibility fell on the secular tribunal to whom the Church abandoned the delinquent, no longer covering him with the *priri-Icgiumjori;* and, in fact, it was not as a cleric, but as a citizen, that he impugned the civil laws. Or the responsibility lay on the ecclesiastical tribunal, which bad annexed an extra-canonical temporal coercive power to its canonical coercive power. In that case there would be not only two, but three extra-canonical powers: (i) the ch il principale over the States of the Church, (2) the tutelage of Christendom, and (3) the power to inflict blood penalties on clerics guilty of temporal and secular offences.

over several distinct degrees. For God governs in one way through the Apostles (extraordinary jurisdiction, with the privilege of oral or scriptural inspiration), and in another through their successors (permanent jurisdiction). And He governs in one way through the declaratory power, assisted in an absolute manner—a power whose rôle is akin to that of a pure instrument—and in another way through the canonical power, assisted in a manner far less strict and merely prudential. Now it is in virtue of this last power that the Pope intervenes in affairs that in a general way arc temporal, but have become accidentally spiritual, *ratione peccati.* The word "theocracy", if used to designate God's government of His Church, must not tempt us to forget these different planes.

Moreover, nobody applies the word theocracy to the spiritual jurisdiction: it is always understood of a temporal government carried on in the name of the Deity. Littré proposes to call a government theocratic if the rulers of a nation are regarded as gods or as the ministers of God. But who would call St. Paul's doctrine theocratic when he teaches that the temporal authorities are the "ministers of God" (Rom. xiii. 4)? Let us say rather that a theocracy exists when temporal values, subject in themselves to the common providential government, are taken out of their proper rank to be strictly associated with religious values for which God provides a special providence: God then intervening directly in order, for example, to prescribe the form of the government, to lay down the lines of its action, to protect it by miracles, etc. To put it more exactly, a theocracy exists when the temporal authority is the vicar of God directly and not of the people. And there will be a pseudo-theocracy if the belief in all this is based on illusion.

Up to a point the regime of the ancient Hebrew people was a theocracy. In those times the Kingdom of God, spread all over the earth, found nevertheless its clearest expression, the highest form of its visibility, in the very body of a race, of a nation, over which God kept particular watch by sending it prophets and assisting it with miracles. (Yet note in passing that the socio-temporal good, however strictly linked with the spiritual, was not identified with it, so that at times the first was allowed to suffer for the sake of the second. Moreover, as Cajetan notes, the king is made in order to represent the people and the people's power, whether he be made by the people, as Saul was, or given by God, as was David. In both cases he is vicar of the people, not directly of God, *non Dei immediate.*)[1]

Can the regime of consecrational Christendom be likened to that of the Hebrew people? Christ sharply differentiated it. Henceforth one was no longer a child of God by carnal descent. The Kingdom of God no longer borrowed its visibility from that of the nation; it had a visibility of its own, a visibility of a new order, supranational. The duality of the tilings of Caesar and die things of God, "of the apostolic dignity and the royal dignity"[1] of the pontifical authority "which presides over spiritual things" and the

1 *Apologia de Comparata Auctoritate Papae el Concilii,* ed. Pollet, no. 563.
2 *Letter of Gregory VII to William the Conqueror,* P.L., CXIA Ill, 568.

royal authority "which presides over carnal things"[1] is vigorously asserted. If the spiritual power intervenes exceptionally in temporal things *ratione peccati,* the temporal nevertheless retains, both in right and in fact, its own structure and its own laws. That being so, there can be no question of a theocracy. As to the mistaken theory' which would grant the Vicar of Christ, as such, a direct canonical power over the temporal order, it could represent nothing but a pseudo-theocracy.

But how is one to designate the government exercised by the Popes in medieval Christendom in virtue of their extra-canonical powers? They acted, as we have said, both as rulers of the States of the Church and as protectors of Christendom. Fliche, who spoke at first of a "theocratic government",[1] afterwards dropped the expression and adopted "sacerdotal government".[3] We might speak perhaps of "hierocracy".[4] These words remain exterior, descriptive, material. They indicate that the Pope has some government of temporal things. They do not say whether he governs them in virtue of his canonical or of his extra-canonical power.

In any event the Pope's government was not the only government. It did not exclude that of the princes, either in right or in fact. It cannot then serve to characterize the general system of authority in medieval Christendom. Let us say, for this is the phrase that seems preferable, that it was a consccrational regime.

7. TABLE OF THE POWERS OF MEDIEVAL CHRISTENDOM

On opposite page, in tabular form, are the various jurisdictional powers, canonical or infra-canonical, appearing in medieval Christendom.

In Suarczian terms the power exercised immediately by the Church herself would be called "direct", and that which she exercises mediately, "indirect". Then we are led to classify together under the name of "indirect power over the temporal for the sake of the spiritual" the powers I have numbered 2, 3 (possibly 4) and 5.

It seems better, if we are to have recourse to the distinction of powers into "direct" and "indirect", to understand it *according to the way in which the canonical power assumes responsibility,* and not *according as it acts of itself or by way of the secular arm.* Then the "direct power" will be that in which the canonical power assumes responsibility, whether acting itself or by the secular arm (1 and 2). And the "indirect power" will be that in which a duty is laid on the temporal power to act as a second cause, by its own means, for its own ends, and under its own responsibility (no. 3). In the first case, in which the rôle of the secular arm is that of a pure instrument, the power of the

1 Innocent III, in the *DearLils,* lib. I, Lit. xxxiii, cap. vi.

2 *Im réforme grégorienne,* 1924, vol. I, p. 92; *Saint Grégaire VII,* 1928, p. 144.

3 *Im réforme grégorienne,* 1925, vol. II, p. 313, note 2.

4 Carl Erdmann attaches this name *hierxralism* to a tendency' of Gregory VII to consider all dues paid to the Holy See as signs of vassalage—and certainly not all were so—and to put them on a level with obligations to military service. *{Die Enlstehung des Kreuzzugsgedankens,* Stuttgart 1935, p. 202). It must not be forgotten however that the Pope,as we have said, could mobilize the Christian prince*, not as their suzerain, but as protector of Christendom.

Canonical or spiritual, directed to:	*the defence of the spiritual,* undertaking a spiritual task for which it bears the direct responsibility, and executes either:	*immediately* and by its own action
		mediately, by putting the secular arm in motion and moderating its exercise as a pure *instrument* of the spiritual ·
	the inspiration of the temporal, commanding the secular arm with special insistence in a consecrational regime, to undertake its temporal task, as an *autonomous cause,* by its own means and under its own responsibility .	
Powers : ή		*civil principale over the Stales of the Church,* juxtaposed to the supreme canonical power as condition of its free exercise
	for spiritual ends:	*protectorate of Christendom,* juxtaposed to the supreme canonical power by devolution for the temporal defence of consecrational Christendom .
	clerics, but on extra-canonical grounds :	
temporal conceded to:		in a purely accidental way: temporal power of the bishop who is prince either by regular title or provisionally and by default of others 6
	laymen	

Church is, in effect, "direct"; it is only in the second case, in which the rôle of the secular arm is that of an autonomous and responsible cause, that the power of the Church is really "indirect". In any event, the distinction of powers into direct and indirect can bear several different senses, and when we use it wc should specify which wc have in mind.

If one rejects, along with a goodly number of modern theologians who find support in St. Augustine, the systematization of Suarez and of the great Inquisitors,1 one docs so the better to proclaim the transcendence of the canonical power, and to distinguish it from the other powers, legitimate certainly, but of a lower order, whose means and ends arc temporal—powers

1 cf. L. Choupin, "Hérésie", *Did. apol.foi calh.,* coJ. 448-9.

that may co-exist with it in the same subject, but could not be identified with it without error.

In condemning those who refuse the Church an "indirect temporal power", the twenty-fourth proposition of the *Syllabus** is meant to affirm that besides the direct power over things that arc essentially religious, the Church has a jurisdiction over things which, being in themselves and in general temporal, become spiritual incidentally and on occasion. There is no question of course of disputing this power: the sole question is whether it should be called1"spiritual" or "temporal", whether it is "direct" or "indirect". The answer seems to me to be clear: it is formally "spiritual", and we should put its activities under nos. I and 2. It is only materially, and therefore improperly, that it can be called "temporal", or "indirect". Choupin, in his commentary on this proposition of the *Syllabus,* says excellently: "The object of the jurisdiction, in the case in point, is the temporal only in so far as it enters the religious sphere, and thus ceases to be purely temporal. Such is the *indirect* power." .And again: "By reason of the object on which it bears, the indirect power is sometimes qualified as temporal; but in reality, in its nature, in its origin and aim, it is truly spiritual, and it is a power ofjurisdiction properly so-called."1

These distinctions were by no means all of them recognized and expressly noted by the medieval writers. They were interlocked, not to say jumbled up together, in the necessities of action. This, however, does not matter. If they arc correct they are in the line of the common doctrine of the Church wherothey have always existed, at least implicitly. Their formulation even if belated, may throw light on the past, and enable us to refer each effect—the Crusades, the suppression of heresy', the segregation of the Jews—to its proper cause; temporal effects to the temporal power (whether held by clerics or laymen), spiritual effects to the spiritual power (held by clerics alone) ; enable us, in a word, to discern, in the immense collective effort of the Middle Ages, and in the explanations which the Middle Ages have themselves attached to them, what properly belongs to *Christianity* and what to *Christendom.*

3. THE COERCIVE PO WER OF THE CHURCH AND ITS MEDIEVAL EXERCISE

Some of the problems concerned with the coercive power are purely theological. Others are mixed, and belong as much to history as to theolcgy.

A. Theological Questions: the Coercive Power in Itself

I. THE END OF THE COERCIVE POWER

The question of the coercive power must be examined in the light of the severities of the Last Judgement, in which the Son of Man, coming with all

1 " The Church has no right to use force; it has no temporal power, direct or indirect " (Denz. 1724). This'proposition is extracted from the letter *Ad Apostoiicae &dis,* of 22 August, 1851, in which Pius IX condemned the erron of J. N. Xuytz.

1 Valeur des decisions, etc., p. 259.

His angels, and sitting on the throne of His glory, will put the good on His right hand and the wicked on His left, to send the latter to eternal torment and the others to eternal life (Matt. xxv. 41-46). If we strike out of the Gospel such passages as this, or as those where it is said of one who scandalizes a child, that it were "better for him that a millstone should be hanged about his neck and that he should be drowned in the depths of the sea" (Matt, xviii. 6), or that the workers of iniquity shall be cast by the angels "into the furnace of lire, where there shall be weeping and gnashing of teeth" (Matt. xiii. 42)—if, in a word, we cease to believe in the terrible severities of the next world, then it is quite clear that we shall no longer be able to understand the stern penalties which, when justice demands, the Church uses in this world in order to avoid them.[1] But then the problem will be shifted, and the thing to be debated will no longer be the coercive power but the much more fundamental question of the reality of its ends. And here the Gospel is clear. Those whom the Gospel scandalizes will certainly be scandalized by the doctrine of the Church.

Since they arc ordained to the salvation of souls the penalties imposed by the Church will, in respect of their end, be *always spiritual,* that is to say supernatural.

But these penalties, always spiritual by reason of their end, can be looked at in themselves, *materially,* intrinsically. From this secondary standpoint they will appear now as spiritual, now as temporal. Spiritual, in the sense, this time, of moral and religious penalties, of "reserved" penalties, proper to the Church: excommunication is a penalty proper to the Church, intrinsically spiritual, involving effects of which some are partly visible (exclusion from active participation in the liturgy, from reception of the sacraments, and so forth), and some invisible (loss of the benefit of indulgences and of the suffrages of the Church). Temporal: these are physical, bodily penalties, the only ones the State has at its disposal; but the Church, on its own sole authority, and in a measure that remains to be determined, can have recourse to penalties of this sort; which thus become "common" to Church and State; penalties that directly touch the liberty, the goods, the body of the delinquent are intrinsically temporal. This division of ecclesiastical penalties into spiritual and temporal is recognized by the Code of Canon Law: "The Church has, of herself and essentially, independently of all human authority, the right to coerce the guilty who come under her authority by penalties both spiritual and temporal."[2]

[1] We shall not even understand the wrath of Jesus chasing the money-changers from the Temple (John ii. 13-17) or the sudden death of Ananias and Sapphira (Acts v. 1–11), or the punishment of Elymas (xiii. 8-12).

[2] " Nativum et proprium Ecclesiae jus est, independens a qualibet humana auctoritate, coercendi delinquentes sibi subditos poenis tum spiritualibus, tum etiam temporalibus" (Can. 2215, §1). Thus, from the standpoint of the end all ecclesiastical penalties arc spiritual, just as all those of the State are temporal; but, from another point of view, ecclesiastical penalties can be divided into spiritual, moral, proper to the Church, such as deprivation of the sacraments, of suffrages, etc.; and temporal, physical, common to both Church and State, such as fine, deprivation of an office or a benefice, etc.

2. THE ROOT OF THE COERCIVE POWER

A second Gospel truth rules the question of the coercive power, namely that Peter received the keys of the Kingdom of Heaven on earth, and that he and the Apostles have a power to bind and loose in this Kingdom such that their decisions are ratified on high. They will therefore have power to use sanctions, for every legislative institution—unlike a merely consultative one—carries with it a judicial authority and a coercive authority. Of course, if we deny the divine institution by Christ of a legislative power, we also *ipso facto* deny the coercive power. But here again, through the Church, it is the Gospel that is really attacked.

Nor should we be faithful to Scripture if we said that it confines the coercive power of the Church to sanctions in themselves spiritual. We have only to reflect on Jesus' words that "he that will not hear the Church" is to be regarded as "a heathen and a publican" (Matt, xviii. 17), to understand at once that on the hypothesis of a world, or of a region, where the Church is universally received and honoured, the man regarded as a pagan and a publican would be kept out of public life and shunned by society; so that the sentence of the Church would necessarily be accompanied by a temporal penalty. The same applies to the passage where St. Paul, without wishing to oblige the Christians of Corinth to break off all relations with their pagan compatriots, since then they would have to "go out of this world", made it incumbent on them not to keep company with any of the baptized who might be a fornicator, covetous, a drunkard or a thief, indeed "not so much as to cat with such an one" (1 Cor. v. 9-11). Elsewhere the Apostle orders Timothy to reprove "before all" those that fell short of their duties "that the rest also may have fear" (1 Tim. v. 20). What does that mean if not that they are to be publicly humiliated and thus subjected to temporal disadvantages? Similarly he orders that "if any man obey not our word by this epistle, note that man and do not keep company with him, that he may be ashamed" (2 Thess. iii. 14).

Temporal penalties are still more directly in evidence in the case of the incestuous Corinthian. Paul judges "with the power of our Lord Jesus" that this man be "delivered to Satan for the destruction of the flesh, that the spirit may be saved in the day of our Lord Jesus Christ" (1 Cor. v. 5). The words "delivered to Satan for the destruction of the flesh" mean more than a simply spiritual sanction; they signify that the excommunication would hand the guilty one over to the power of the devil who would even afflict his flesh.[1] St. Paul decrees the same punishment against Hymenaeus and

11 JU:

[1] Having indicated the different interpretations given to liais passage. Père Allo concludes thus: " St. Paul has indeed the positive intention of handing over the delinquent (for the salvation of his soul) to the assaults of Satan, who was a murderer from the beginning, and primary author of the physical and moral calamities that afflict mankind. The psychological effect of the condemnation, of which Origen speaks, cannot be neglected, but the Apostle also envisages bodily pains in which the devil will play his part; he docs not fix nor even perhaps foresee the mode, but is prepared to see it amount to sickness and death. He cannot be accused of inhumanity considering the great good he has in view, namely the salvation of the soul; he acts, says Godet, as a mother who might

Alexander whom he "delivered up to Satan, that they may learn not to blaspheme" (i Tim. i. 20).

Must we go further and maintain that in these last two cases the Apostle envisages bodily punishments in a direct and immediate manner and not simply as results of excommunication? Some commentators believe so. They think that just as the Lord left the Apostles the privilege of casting out devils, so He left them the power to compel the devils to chastise sinners, and that St. Paul ordered the Church at Corinth to deliver the shameless one to Satan's vexations.1 They compare this passage with that in which the Apostle strikes Elymas blind (Acts xiii. 8-12), and that in which Ananias and Sapphira are punished (v. 1–11).2 The episode of Jesus casting out the money-changers from the Temple might here be added.

Even if this last explanation be adopted we should recognize that it is not expressly said in Scripture that the Church, in virtue of her ordinary jurisdiction, can have recourse to corporal punishments. I have no desire to force the texts. It is enough to remark (1) that Scripture expressly recognizes that the Church has power to promulgate intrinsically spiritual penalties, even if they be visible, such as excommunication; (2) that in the divine plan sinners deserve formidable corporal penalties even here below; and (3) that Scripture recognizes the Church's power to set these heavy temporal penalties in motion by way of excommunication.

All this greatly helps us to understand that the Church, which has an efficacious power to legislate expressly indicated in Scripture—and there we have the source of the coercive power—will have the right of direct recourse (with moderation however, as we shall soon sec) even to penalties which, while spiritual as regards the reasons that justify them and the ends they aim at, may be intrinsically and materially physical.

3. EFFECTS OF SANCTIONS ON THE GUILTY

It is not to be supposed that any man can be made virtuous in spite of himself, but fear of punishment may give him pause on the downward path; it can prevent him from harming others; it can even make him give up the

pray God to smite her son and lead him to repentance. But note, that the penalty is not one *superadded* to that of excommunication. Cut off from the Church, losing her protection, the incestuous person is banished to Satan's domain; he will be abandoned without spiritual defences to this hostile power which interferes whenever it can—as the Gospel sufficiently shows—with the externals of human life. He will suffer therefore; and that on account of the sentence passed, loosing on him, thus indirectly, the mysterious and cruel adversary. But Paul hopes that this very suffering will detach him from the deceptive attractions of sin, and enlighten him about his miserable condition; even while casting him out for the good of the Church he has compromised, he prays for die one cast out. For excommunication is a medicinal penalty. And if the delinquent return to a better mind as a result of his chastisement, we may believe—though diis is not said—that the Church will once more open her arms to him " *{Première éphre aux Corinthiens,* p. 124).

1 " Satanae corporaliter vexandum it is the first of the two explanations reproduced by St. Thomas in his commentary' on this text. It is also F. Prat's interpretation, sec *The Theology of St. Paul,* trans. J. L. Stoddard, London 1942, vol. I, p. 101.

2 We may recall however that St. Thomas sees a purely declaratory sentence in Peter's punishment of Ananias and Sapphira.

sin that has held him, and so at last to will with a good heart what previously he did not will. "One who is in sin" says St. Thomas, "has no longer a healthy taste, and is not to be snatched from sin by the sweetness of the divine good since his heart is infected with an inordinate love of self; but punishments that cross his nature and thwart his will can snatch him back from sin."[1] That applies to the thought of future punishments inflicted by divine justice; but it applies also to those that can be inflicted in this world by a legitimate authority, whether they be intrinsically spiritual or intrinsically corporal.

Of course, the use of coercive power, if imprudent, immoderate, or unjust, can have the worst consequences; but when it is prudent, moderate and just it can be salutary' and useful and that even for the guilty one himself.

4. WHOM DOES THE COERCIVE POWER REACH?

Everything can be thrown into confusion and all kinds of iniquities fathered on the Church, unless we are clear about those to whom the coercive power applies.

The Unbaptized: The authentic coercive power of the Church has no authority to force the faith on those outside. The only right the Church has over adepts, whether of paganism, Judaism, or Islam, who, not being baptized, arc no subjects of hers, is to proclaim the Gospel to them peaceably, and uldmately to protect those of them who may be converted. But the Church never desires to impose the faith on them by force. Faith must be free; you cannot implant it in a soul by force. "You can force a man to enter a church, to approach the altar, to receive the Sacrament; but you cannot force him to believe", said St. Augustine.[2] So also St. Thomas: "Among unbelievers there arc some who have never received the faith, such as the heathen and the Jews; and these are by no means to be compelled to the faith in order that they may believe, because belief depends on the will *[quia credere voluntatis* er/]. But they should be compelled, if possible, by the

[1] *In VI Sent.*, dist. 14, q. 1, a. 2, quacst. 1. Here St. Thomas explains the part played by punishment in the genesis of penitence. In I-II, q. 95, a. 1—" Whether it is useful that laws should be decreed by men? "—in which he explores the fundamental reason for the legislative and coercive power, St. Thomas rises in advance above the extremist views which divide modem times—the optimist view which considers man as holy by nature and the pessimist view which considers him corrupted in his essence. He writes: " Man has by nature a certain aptitude to virtue; he attains the perfection of virtue only by a certain discipline." That discipline comes from without. To the man who is well-disposed " it is enough that it is proposed by way of paternal admonitions; but since there are obstinate men who are inclined to vice and made open to good words only with difficulty, it has been necessary to use force or fear in order to hold them back on the slope of evil, so that, leaving off ill-doing, they may at least leave others in peace and, being led by habit to do of their own will what they originally did out of fear, may one day become virtuous." According to St. Thomas, the law display's a coercive aspect to the evil only; and is primarily rcctificatory and directive with reference to the common good, in virtue of which characteristic it w'ould certainly have existed in the state of innocence, in which, he say's, some would have had to rule others (I» q- 9θ» 4)· What St. Thomas says of civil society should be understood proportionally or analogically of religious society.

[1] *In Joan. Er.,* tract. 26, no. 2.

faithful so that they may not hinder the faith by their blasphemies or by their evil persuasions, or even by their open persecutions. It is for this reason that Christ's faithful often wage war with unbelievers, not indeed for the purpose of forcing them to believe—because even if they were to conquer them and take them prisoner, they should still leave them free to believe if they will—but in order to prevent them from hindering the faith of Christ."[1]

The Council of Trent in its turn, recalls that "the Church never passes any judgment on those who have not first entered her through the door of baptism".[2] And the code of Canon Law declares generally that purely ecclesiastical laws cannot bind the unbaptized.[3] We see what has to be thought from a Catholic standpoint of the forced conversions of the Saxons by Charlemagne, of the Jews and Moors by the Catholic kings.

The Baptized: Of these we must distinguish two classes.

First, there are those who, having been bom in dissidence, continue there in good faith. St. Augustine refuses to consider them as guilty, and consequently to give them the name, always infamous in his vocabulary, of heretics: "Whoever defends his opinion, however erroneous or perverse, without pertinacity, especially when this opinion is not the fruit of his own presumption but is inherited from parents seduced and carried away into error, if he honestly seeks the truth and is ready to yield to it when found, this man should not be reckoned among the heretics."[1] Such men are incipiently members of the Church. But on account of their good faidi the coercive power of the Church does not touch them any more than it touches the non-baptized. Thinking of them, but without here wishing to separate them from the unbaptized—for he has just been speaking of tolerance of different religions by the State—Leo XIII recalls that: "in fact the Church is wont to take earnest heed that no one shall be forced to embrace the Catholic faith against his will, for, as St. Augustine wisely reminds us, man cannot believe otherwise than of his own free will".[5] What therefore has been said of the unbaptized applies also to these baptized "incipient members" of the Church. There can be no question of forcing them to believe, or to observe the Church's laws. All that is allowable is to prevent them from corrupting the faith of the humble.

[1] II-II, q. io, a. 8.

[1] Denz. 895.

[3] Canon 12. For souls that do not belong to her, writes E. Vacandard, *' the Church has always considered that the *compelle intrare* refers only to a moral constraint, only to gentle persuasion. That is a distinction of the first importance, and yet a responsible critic has forgotten to make it. * How,' he says, * could a religion of love and tolerance, based on the Gospel, come to bum alive those who did not accept its teaching? That is the problem.' But Lea himself look care not to fall into this error. He shows, on the contrary, that the Church has never prosecuted non-Christians and has put no constraint on unbelievers. But he regards this as an inconsequence. To be consistent to the end the Church should have burnt unbelievers as well as heretics " *(L'.Inquisition, elude historique et critique sur le pouvoir coercitifde rÉglùe,* Paris 1907, p. 311. The " responsible critic " mentioned by Vacandard is Paul Frédéricq, in his historical introduction to the French translation of Lea's *History of the Inquisition).*

[4] *Epul. XLIII,* i.

[5] Encyclical *Immortale Dei,* 1st Nov. 1885.

The second class is that of the baptized who, having been born in the Church, have *culpably* deserted her. These are they whom the older Doctors —Augustine or Aquinas—call heretics or schismatics. They are at one and the same time still of the Church and already no longer of the Church. In their case we must speak of a "repudiated" or "servile" membership of the Church.

It is clear to start with that in the measure in which they are *aggressors* and corrupt the faith of the humble, the Church has a right to defend herself against them.

But the coercive power could reach them on another count, not now as aggressors but *as guilty*—supposing this guilt established. The coercive power might therefore intervene for two purposes.

The first would be to *repress* the guilty so as to defend and safeguard the common good.[1]

The second will be to *correct* the guilty and induce them to fulfil the promises they have forgotten, to their own prejudice. For we are free to make vows, but having made them ought to keep them; and we are free to opt for the faith, but having done so ought to remain faithful. Here St. Thomas recalls what St. .Augustine said in his letter to Count Boniface: "What do these people mean by crying out *are we not free to believe or not to believe? Whom did Christ compel?* They should remember that Christ at first compelled Paul and afterwards taught him."[3]

The Church wishes to make them begin in the suffering of segregation what she hopes they will afterwards fulfil in love.

5- THE NATURE OF ECCLESIASTICAL SANCTIONS

"Because sin is an inordinate act, it is evident that whoever sins commits an offence against an order: wherefore he is put down by that same order, which repression is punishment. Accordingly, man can be punished with a threefold punishment corresponding to the orders to which the human will is subject. In the first place, a man's nature is subjected to the order of his own reason; secondly, it is subject to the order of another man who governs him cither in spiritual or in temporal matters, as a member either of the State or of the household: thirdly, it is subjected to the universal order of the divine government . . . Wherefore he incurs a threefold punishment: one, inflicted by himself, viz., remorse of conscience; another, inflicted by men; and a third inflicted by God."[3] St. Thomas here distinguishes the spiritual social order and the temporal social order. We must therefore

'Speaking of heretics St. Thomas says: " If the Church proceeds against them it is not to make them believe by violence, but to save others from being corrupted and not to leave so great a sin unpunished " (/Γ5η/., dist. 13, q. 2, a. 3, ad 5).

' II–II, q. 10, a. 8, ad 3: St. Augustine, *Epistle* CLXXXV, 22. The appropriateness of this scripture reference could be debated. The fact remains that in this sphere coercion is a dangerous custom, and should not be applied unless there is good hope of paving the way for some great good or averting some great evil.

' St. Thomas, 1-IL q. 87, a. 1.

similarly distinguish spiritual sanctions from temporal sanctions. Between the spiritual order and the temporal order, both of them however visible, between the law that aims at friendship of man with God, and the law that aims at friendship of men with each other,[1] there is, properly speaking, no univocity, but a likeness of analogy or proportionality; similarly between offences against the order of the Church and offences against the order of the State, between the sanctions of the Church and the sanctions of the State, there is no univocity, but only a likeness of analogy or proportionality.

The spiritual or supernatural order is better than the temporal. To build itself up it has need of faith, charity and the infused virtues, of everything in the world that is freest. It draws far more than does the temporal order on the reserves of generosity in men. It uses earthly realities as the basis in this world for the potencies of grace, as a temple for the divine presence, and in order eventually to raise them to the height of its own law by giving them a share in the splendours of the transfiguration—whereas the temporal order uses these same earthly realities only to erect perishable social structures which end in surrender to the law of matter and are swept away by the revolutions of history. In a word, the spiritual social order, the Church, is a kingdom *in* this world, but not, like the temporal social order, o/'this world. Because of all these differences, it is fitting that the laws that rule it and the sanctions that protect it, even when they look to material means and intrinsically temporal penalties, should refrain from using them in the manner, always more or less harsh, of the State, but only in ways more moderate, pure, and holy. "My kingdom is not of this world. If my kingdom were of this world my servants would certainly strive that I should not be delivered to the Jews; but now my kingdom is not from hence" (John xviii. 36). It would be going too far to cite tliis text to establish that the Church should *never* be defended by the secular arm. But it clearly means that, when it becomes just to defend it by the secular arm, it is never just to do so *in the manner of* the kingdoms of this world.

It would be therefore an error to put the sanctions of the spiritual society and the sanctions of the political society on the same level. Even when they coincide materially—if, for example, the Church should approve penalties intrinsically temporal (such as fines, imprisonment, etc.)—these sanctions would differ profoundly in their justification, in their nature, and in their ends. We may see an indication of this difference, a sign that the Church uses even intrinsically temporal penalties in a spirit different from that of the State, in the fact that while recognizing that under certain conditions the death-penalty can be justified and legitimately decreed by the secular power,[2] and that in certain conditions war can be justly waged, she

1 " Sicut intentio principalis legis humanae est ut faciat amicitiam hominum *adbwican,* ita intentio legis divinae est ut constituat principaliter amicitiam hominis *ad Drum* " (St. Thomas, I-II, q. 99, a. 2: *Utrum Itx vetus conlinral praecepta moralia?),*

1 " We affirm that the secular power can, without mortal sin, execute sentence of death, provided that it does not do so out of hatred but for justice' sake, not recklessly, but wisely " (Denz. 425).

nevertheless absolutely forbids all clerics and all who hold ecclesiastical power, to have any hand themselves in the heaviest and most terrible of punishments, die punishment of death. *Ecclesia horret a sanguine.* The reason for this, explains St. Thomas, is that the shedding of blood, even supposing it entirely just, is profoundly repugnant to those who, commemorating Christ's sacrifice, have a mission "not to slay or shed blood, but rather to be ready to shed their own blood for Christ, so as to imitate in deed what they portray in their ministry. For this reason it has been decreed that those who shed blood, even without sin, become irregular".1

We should fall into an opposite error if we denied that the Church's power of coercion could cover intrinsically temporal penalties. For although the Church is spiritual, she is not invisible or outside this world; she is visible and in the world. Her spirituality does not consist in eliminating visible realities; it consists in utilizing them, not doubtless as the State does, but otherwise than the State does, with greater purity, greater elevation of mind, and greater holiness than the State. Hence she has often claimed the power in question. In his Encyclical *Quanta Cura* of 8th December 1864, Pius IX condemned those who asserted that "the Church has no power to constrain law-breakers with temporal penalties".5 More recently, the Code of Canon Law, as we have seen, has recalled that the Church has, of herself, independently of any human authority whatever, the right to constrain her delinquent subjects "by penalties, whether temporal or spiritual

To hold that the Church cannot make use of intrinsically temporal punishments is to forget that she is a visible society; to hold that she can do so in just the same way as the State does is to forget that she is a spiritual society.

1 II–II, q. 40, a. 2, *Utrum claicis el episcopis tit licitum pugnare?* Is the right of the sword repugnant to the Church merely by a convention of positive law consecrated by immemorial usage, or is it repugnant essentially, in virtue of the very nature of her spiritual power? The point is debated by Catholic theologians. The reason I adduce leads me to chocee this second opinion, cf. L. Choupin, *Valeur des decisions doctrinales et disciplinaires du saint siègr,* pp. 511 et seq. The présent Code of Canon Law considers the judge who has given sentence of death, and the executioner and his immediate assistants, as irregular ex *defectu* (can. 984, §§6 and 7).

' Denz. 1697. The 24th condemned proposition of the *S',linkus·.* " The Church has not the right to use force " (Denz. 1724) undoubtedly refers to the coercive power; but it does not say whether intrinsically temporal or simply moral penalties are envisaged. But it would be easy to draw up a list of temporal penalties decreed at various times by Popes and Councils. The Council of Trent provided for example that the ecclesiastical judges could inffict fines (Session XXV, *De Reformatione,* cap. iii). cf. The *Codex Juris Canonici,* can. 2291.

1 Can. 2214. §t. ""The opinion that denies the Church any power to constrain by temporal punishments is at least *erroneous,* and *rash·,* it is not fully evident that it is *heretical,* for the expression ' temporal punishments ' docs not figure in so many words in die definitions of the Church. However, Suarez considers the opposite doctrine as of faith " (J. V. de Groot, O.P., *Summa Apologetico de Ecclesia Catholica,* Ratisbon 1906. p. 394). As for Suarez, here are his exact positions: He regards as *offaith* the thesis affirming that " The Church has the power to constrain heretics by punishments not only spiritual, but temporal and corporal " ; as *heretical,* the thesis reserving to temporal princes alone the power of spiritually and temporally constraining heretics; as *erroneous,* and bringing its defenders under strong suspicion of heresy, the thesis reserving to the Church only spiritual coercion aud to temporal princes all temporal and corporal coercion (De *Fide,* disp. 20, sect. 3, nos. 13-21),

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6. FOR WHAT EXERCISE OF THE COERCIVE POWER IS THE CHURCH, UNDERSTOOD FORMALLY AND THEOLOGICALLY, RESPONSIBLE?

If "the Church" be taken to mean simply the sum-total of churchmen, or even the sum-total of Christians, she could undoubtedly be blamed for many sins and iniquities which it is the duty of every Christian to condemn and not to justify. The name "Church" is then taken so materially that all the sins of Christians become part of her make-up. It is not thus, but always formally, that we understand the Church in this enquiry. The churchman, like the simplest of the faithful, belongs to hcr by reason of what is holy in him, not by reason of his sins. We shall say, from this standpoint, that the visible Church may indeed contain sinners, but not sins. "He that committed! sin is of the devil; for the devil sinneth from the beginning. For this purpose the Son of God appeared, that he might destroy the works of the devil. Whosoever is born of God committed! not sin: for his seed abideth in him, and he cannot sin, because he is born of God. In this the children of God are manifest, and the children of the devil" (1 John iii. 8-10).

The Church therefore is not to be held responsible for every mode of exercising the coercive power, but for that only which is virtuous, not prompted by passion but ruled by justice, with severity when right reason demands it, and with clemency when it pernuts.

Once more therefore we can never seek to lay on the Church the innumerable sins of those of her children who openly disobey her, or who, feigning exterior obedience, betray her spirit.

In her Code of Canon Law the Church recalls the spirit in which the coercive power should be used. Having declared that "she has a true and native right, independent of all human authority, to apply constraint to her culpable subjects, inflicting on them punishments, spiritual or even temporal", she draws attention at once to the warning of the Council of Trent: "Let the bishops and other ordinaries remember that they are pastors, not persecutors, that they should rule their subjects, not lord it over them, but love them as sons and brothers, and try to turn them from evil ways by advice and exhortations, for fear of having to be severe when they sin. But when human frailty has led them to fall into sin, let the bishops, conformably with the word of the Apostle, *reprove, entreat, rebuke in all patience and doctrine,* since sinners arc often more easily brought back to the right way by benignity than by sternness, by persuasion than by threats, by charity than by authority. But if, on account of the gravity of the sin, chastisement becomes inevitable, then let sternness be tempered with gentleness, justice with mercy, severity with sweetness, that necessary and wholesome discipline may be preserved without undue harshness, that those corrected may amend, or at least, if they will not come to a better mind, that others may be deterred by the salutary example of their punishment."[1]

[1] *Codex Juris Canonici,* can. 2214. This text mentions the three ends of punishment: (1) the *repressive* end, to safeguard the common good; (2) the *medicinal* end, for the amendment of the sinner;

From this wc may sec that it is only the virtuous use of the coercive power that the Church takes upon herself.

Even when virtuous, this use will not be infallible in every given case. For judicial sentences belong to the domain of particular decisions where error is always possible. The divine assistance is here assured, not for each individual case in its individuality, but only in general and for the due functioning of the whole. Wc can imagine, as an extreme case, a sentence of excommunication prudently and virtuously pronounced, but falling by sheer mistake on an innocent person. The moralists say that at bottom such an excommunication would be invalid, since where there is no offence, that is to say no morally imputable violation of a law,[1] no ecclesiastical sentence properly so-called can be pronounced; and that no one would be bound to obey it, for example by refraining from the sacraments, save only for the scandal that might otherwise be caused. Wc can even imagine a case, unlikely perhaps, but possible—not that ofJoan of Arc, who was condemned by men whose hearts were far from clean—of a judicial sentence, motivated by the purest love ofjustice, which by some unavoidable misapprehension, shall have declared heretical and delivered to the secular arm one whose error was in fact not culpable, whose death was magnanimous, whose charity was heroic, and whose sanctity would be later on proclaimed; so that from both sides, that of the judge and that of the accused, there would be equal love of God and desire for justice. Such misunderstandings are always possible here below. Love might even be increased by them: *aquae muilae non potuerunt extinguere charttatcm.*

B. Mixed Questions: The Exercise of the Coercive Power in History, and the Inquisition

I. RECOURSE HAD TO THE SECULAR ARM PARTICULARLY FOR PENALTIES LESSER THAN THAT OF DEATH

a. The Church's Rights

The means of temporal coercion at the disposal of the Church—fines, deprivation of benefices, segregation, internment in a monastery, imprisonment—are limited, and their use commonly difficult and sharply restricted. It is the State that has the most effective means to hand: exile, confiscation of goods, perpetual imprisonment and so forth. When the Church washes to deal with her rebellious subjects, can she approach the State and not merely beg, but require it to punish them?

Yes: but only in certain circumstances.

The Church certainly believes that she possesses this right. The fourteenth proposition of John Hus, condemned at the Council of Constance,

and (3) the *prtrenlice* end, to put fear into the wicked, cf. Konstantin Hoh.enJohe *Einfuss des Ckrutenlums auf das Corpus Juris Cicilis,* Vienna 1937, p. 206.

[1] ibid., can. 2195. §1.

asserts that to deliver to the secular arm those who despise ecclesiastical censures, is to imitate the Priests, Scribes and Pharisees who gave up Christ to Pilate under the plea that they were not allowed to put anyone to death (John xviii. 31).[1] The thirty-second question proposed by the Council of Constance to the followers of Wicliff and Hus asked whether they admitted that "when the disobedience and insolence of the excommunicated increased, their prelates and spiritual rulers could make the excommunication heavier, impose an interdict and call on the secular arm *[brachium saeculare invocandi]* The Council of Trent provided that women living publicly in sin could be driven out of a town or diocese, "by recourse, if necessary, to the secular arm".[3] The Code of Canon Law stipulates that "offences against the law of the Church alone, are, of their nature, within the cognisance of the ecclesiastical authority alone, which, when it judges it necessary or opportune, can claim the help of the secular arm"? Finally, the Roman Bullarium testifies to numerous cases of resort to the secular arm?

What circumstances arc needed to justify such a recourse?

From the standpoint of the Church as calling for them, it suffices that the steps in question arc really apt and effectual to achieve the desired spiritual good. But that is not all. From the standpoint of the State, on whom the Church calls, other conditions are required. I shall attempt to define them. Since the proper end of the temporal power is the temporal common good, the only acts that can be asked of it will be those which in the long run will contribute to the maintenance and advancement of the temporal common good. "Reignative" prudence,[6] the characteristic virtue of the political ruler, will not allow him to engage in other enterprises than those directed to the political well-being of his country; this of course being understood in the highest and most generous sense, not in an egoistic and basely utilitarian way. "A certain measure of temporal success is postulated as a matter of course" by temporal efforts and means. ""Whoso loses his soul for my sake,' Our Lord says, 'shall find it again.' He did not say: 'Whoso loses his kingdom shall save it.' St. Louis was an excellent administrator of his kingdom; he added to its power and prosperity."[7] Even when a country sacrifices

1 Dcnz., 640.

1 Denz.. 682.

3 Session XXIV, *De Reformatione Matrimonii,* cap. vni.

4 Can. 2198.

5 The secular arm was used for fighting heresy and schism in the fourth century. Heresy' was repressed under the Imperial laws. " This state of things did not last long, at any rate not in the West. The fifth century had not passed away bcfoie the Roman Empire lay in ruins. The barbarians who divided amongst themselves the heritage of imperial Rome did not adopt, save on rare occasions, the religious legislation of the successors of Constantine . . . The repression of heresy was no more than a theological thesis to which popular indignation gave from lime to time a sad reality. From the end of the twelfth century' this thesis penetrated into the domain of law; it took its place among the canons of the Holy Roman Church, which the Christian princes were bound in conscience to obey" (J. Tunnel, " Chronique d'histoire ecclésiastique", *Rerue du clergé français,* Jan. 1906, vol. XLIX, p. 389).

4 St. Thomas, II–II, q. 50, a. 1.

7 J. Maritain, *Religion and Culture,* London 1931, p. 49.

tself to defend its fellows in Christendom, it is still a political good—for heroism, fraternal friendship, fidelity are political goods—the memory of which will be cherished among men. And even when a power intervenes to punish "an offence that breaks no law but the Church's", this would be in view of a higher political advantage, and because it is known that the Church alone can speed the advent of a true humanism and a full political life. (Thus for example in another domain, the State could contribute to the budget of a purely spiritual cult, because of its beneficial effect on the temporal.) Could the Church, *would* the Church, ever ask of the head of a state, even for the best of causes, an intervention that would dismember this state, give it over to civil war, for example, and political ruin? No. She could strengthen and exalt the aims of reignative prudence, but not bring them simply to nothing. It follows that she cannot legitimately call for the support of the secular arm save when some immediately temporal good—a very exalted one perhaps, such as the temporal good of all Christendom—is to be expected. She would drop any claim on it at once if it involved any grave political injury, not because the State's refusal would make any recourse to the secular arm *physically* impossible, but because she would herself regard this recourse as surrounded by quite different moral conditions and as constituting a *morally* reprehensible act.

b. The Secular Arm Able to Act Under the Church Either as Principal Cause or as Instrument

How are we to explain the mutual relations of Church and State in the case of a recourse to the secular arm?

Two schemas[1] can be proposed, as I have said. In the first the State acts as instrument of the Church. It is the Church that takes the initiative and the responsibility. She makes use of the State for ends which, being spiritual or supernatural, are higher than those of the State. And yet in this, the State, at any rate in the highest sense, will find its own political advantage. In the performance of an act intrinsically political—it is always by way of its own proper act that an instrument performs its instrumental act[2]—it procures spiritual ends which *hic et nunc* will bring with them good temporal consequences.

Under the second schema the State acts as principal cause. It takes all the initiative and responsibility for an intervention whose end is an immediately temporal good considered as conditioning a spiritual good, or even, in the case of a consecrational regime, as involving a spiritual good.

Clearly enough the intervention of the secular arm will have a different character according as it falls under one or the other of these schemas. In the first case it should tend to fall in with the mode of action of the spiritual power. In the second it will follow no law but its own, which is that of the temporal.

[1] Cf. above, p. 250.
[2] St. Thomas, III, q. 62, a. 1, ad 2.

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I believe that the calls the Church has actually made on the secular arm are to be explained in terms of one or other of these two schemas. It is for the historian to say which in each ease, and it will not always be an easy task. It becomes the less so by the fact that in the Middle Ages the Pope did not always act in virtue of his canonical power and as Vicar of Christ, but sometimes in virtue of his extra-canonical powers, as Prince of the Roman State or as Protector of Christendom. Let us say, still speaking very generally, that the State always seeks a political advantage. If it seeks it secondarily, as an accompaniment or consequence of a precise and previously willed spiritual good, then the State is behaving as an instrument of the Church. If it seeks it primarily—even though this political good remains subordinate to the spiritual good attached to it—then the State is acting as principal cause. For it is open to the State, without any sin, to seek spiritual things—to establish divine worship for example, as Cajetan remarks—on account of the political advantages they carry with them.1

b.

c. *St. Augustine's Two Attitudes on the Coercion of Heretics*

W

The Church has the right to call on the secular arm. She can, and at times she ought to, exercise this right in defence of good morals. Is there ever anything to be gained by exercising it in defence of the faith? Has resort to the political power for such a purpose ever been opportune—has it ever been really useful to the Church herself?

a. No one knew the value of liberty better than St. Augustine. No one was less inclined to introduce force into the domain of intelligence and love. At the outset of his book *Contra Epistolam Manichaei Quam Vocant Fundamenti,* which dates from 397, he writes: "Let those rage against you who know not how hard a task it is to reach the truth, how difficult to avoid error. Let them rage against you who know not how seldom and how hardly our corporeal fancies are pierced by the intelligence of a pious spirit. Let them rage against you who know not how difficult it is to clear the eye of the interior man that it may behold the true Sun . . . Let them rage against you who know not how many sighs and groanings go to how imperfect a knowledge of God. Let them, lastly, rage against you who have never fallen into error like yours. For my part I, who did not come to contemplation of the pure truth cleared of fables save after long tossing about in seas of bewilderment; who in my misery could barely with God's help shake off the vain fantasies of my mind mixed with a throng of false opinions; who yielded so late to the

1 " If human law should propose to subordinate divine worship to the interests of the peace of society, and if, for example, it saw in that the chief reason for honouring God, it would be perverse. Human law dors not do that: although doubtless many impious legislators have attempted it, inventing all kinds of myths to serve this end, as /Xristotle suggests in the second book of die ΛΡΛ>~ *physics.* But whereas there arc many ways of justifying divine worship, human law, taking account only of those things that concern its own domain, will make them serve the common good, and it abstracts from reasons diat do not concern it. Now to abstract is neither to lie nor to sin. And if grace perfects nature instead of destroying it, human law can take the common good of human society for its principal end without thereby being prevented from subordinating it to a higher end in virtue of a higher principle " *{In I-II,* q. 99, a. 3, no. 4).

physician who called me and drew me so sweetly to rid me of this darkness of my mind; who cried out so long that the immutable and immaculate Substance of whom Holy Scripture speaks, might deign to make Himself known to me; who sought out curiously all those fictions that now hold you in the bonds of old acquaintance and custom, listened to them attentively, believed them imprudently, urged them at every opportunity upon the belief of others, defended them obstinately and passionately—I certainly have no wish to rage against you, for I ought to bear with you as then I was borne with, and to show as much patience with you as then my neighbour had with me, when, infatuate and blind, I too erred in your doctrine." That is St. Augustine's first attitude. And undoubtedly it is the attitude to which we shall have finally to return, given that the medieval era is gone. In that era the West made a supreme effort to banish from her political and cultural life those who held any form of religious error, driving back the Jews into their ghettos, the new heretics into the darkness of excommunication and death,[1] and the pagans into the four continents. But we are now entering on an era in which the disciples of truth and of error arc to be inextricably mingled together, like the wheat and the tares, till the end of time, not indeed in the religious life, but in the political and cultural life of every country on earth. I do not doubt that it was to prepare our hearts for a new effort, differing from the medieval effort, that Pope Pius XI cited at the close of his Encyclical for the fifteenth centenary' of the death of St. Augustine,[2] the great Doctor's moving declaration to the Manichaeans.

b. And yet, on the testimony of Augustine himself, the secular arm has been employed to good effect in defence of the faith. He himself had seen it happen. In the letter he addressed about the year 408 to Vincentius the Donatist bishop, having recalled how the Donatists themselves had tried to call in the secular arm, he adds: "You see now I hope that the thing to be considered is not just *whether* anybody is constrained, but *by what* or in what cause it is that he is constrained, whether for good or for evil. Not that a man can become good in spite of himself; but fear of what he does not wish to suffer either makes him moderate the obstinacy by which he is held, or induces him to inform himself about the truth of which he is ignorant: it will either make him quit the error he cherishes, or seek the truth he docs not

[1] Followers of the older heresies, for instance the Nestorians of the East, were treated otherwise. The Graeco-Russians were never at bottom regarded as truly and finally separated. The only heretics to be persecuted were those who, in the very bosom of the West, set out to defeat the effort of the West, which was at once cultural and religious. For it was thought that the precept to tolerate the cockle was binding only if it was clear that die cockle could not be tom up widiout the wheat. When the danger of tearing up both together was overcome, that is to say " when a man's crime is $0 publicly known and so hateful to all that he has no defenders, or none such as might create a schism, then the severity of discipline should not be relaxed ". These words of St. Augustine's, with excommunication in view (Ccn/ra *Epùt. Parmtniani,* lib. HI, cap. II), arc recalled by St. Thomas in connection with the repression of heretics in II-II, q. to, a. 8, ad t ; q. 11, a. 3, ad 3. He notes that the guilty cannot be eliminated without danger: (1) when their malice is not certain, (2) when they do not remain obstinate in error, (3) when they are inextricably intermingled with the good (*Quodlibet* X, q. 7, a. 15, ad t).

[2] *Ad SaluUm Humani Cauris9* 20 April 1930.

know; and he conies in the end to will with a good heart what before he did not will.[1] It would be useless perhaps to say such things if numerous examples were not there to attest them. Wc have seen not merely certain men here and there, but whole towns, once Donatist, now Catholic, detesting their late diabolical schism and animated with an ardent love for unity; and they became Catholic on occasion of this very fear that so displeases you, and of the laws of the emperors ... I have therefore yielded to these examples laid before me by my colleagues. For my first feeling was against constraining anybody [to return] to the unity of Christ, to act only by words, to fight by discussion, to. conquer by reason, for fear of changing into pretended Catholics those whom wc knew before as open heretics.[2] It was not contentious words that overcame my opinion but indisputable facts. They pointed, to start with, to my own town, which having been wholly of the party of Donatus was converted to the unity of the Catholic faith by fear of the imperial laws; and we see it so strongly detesting its former views that one would think it had never fallen into them. So it has been with many other towns whose names were mentioned to me that I might see in them

[1] There is no question, be it repeated, of constraining to the faith those who have never had it—there is nothing cither Augustian or traditional about such a thesis—but only of bringing pressure to bear on those who have culpably deserted it. Concerning the case of St. Francis Xavier, Léon van der Essen writes: ‘‘He still retained traces of the medieval conception of missionary* work among the pagans, which envisaged the rapid conversion of the masses with the help and support of the chief or prince. Francis Xavier sometimes had recourse to the temporal power in order to grapple with drunkenness or in order to destroy the exterior manifestations of paganism. In one set of circumstances at least he even declared that the conversion of pagans is impossible without the support of force; and in that, he is the child of a tradition. But for all that he only called upon the temporal power in certain strictly determined cases, and he is the first among the missionaries whose overriding desire is to act above all by means of the inner power of the Gospel and through his own personality, without always, or even often, seeking an easy* support from outside—which is something new and should be particularly emphasised ” *(Histoire générale comparée des missions: Les missions ó Γépoque des découvertes,* Brussels 1932, p. 321). In my opinion this is at one and the same time to do too much and too little honour to St. Francis Xavier. It is to do too much, because he is—happily—not the first missionary*, even in the East, to rely solely on the inner power of the Gospel: in 1305 John of Montecorvino, in the heart of China, asked to be sent friars “ who have one desire only—to give themselves as an example It is to do too little, because when he wishes the King of Portugal himself to threaten the Governor of Ceylon with chains if he does not “ make many Christians ”, he docs not mean that the pagans should be forced to believe. On the contrary, what he wants to do is to put an end to the rivalries among the missionaries, “ the injustices and robberies of which the poor Christians are the victims Père Brou writes: ‘‘The protectorate, such as we see it exercised today in the Far East, may have its inconveniences; but Francis had no experience of them. He judges on the basis of what he has before his own eyes; since Portugal is Catholic, she should be so in her colonies, and be so all through, right up to the furthest practical consequences. These consequences arc three in number: the stopping of persecution and consequent ensuring of freedom of conscience: the encouragement of conversions through increasing the number of missionaries: and the ending of the scandal caused by the injustices perpetrated by the Europeans against Christians. That is all that is implied by the phrase ‘ to make Christians ’ which he several times employs. We may add the temporal advantages granted by Europeans to their new brethren in the faith, and then we have St. Francis Xavier’s *compelle intrare* in its entirety, in which we cannot discern the anti-Gospcl elements which Protestantism may see. For this is indeed the minimum that may be asked of a Christian prince who has a sense of his responsibilities ” *(Saint François Xavier,* Paris 1912, vol. II, p. 10).

[2] Remember ‘hat this word, in St. Augustine, alway's implies bad faith: he docs not class with the heretics those who, bom in error, however pernicious, defend it in good faith.

new verifications of the Scripture text: *Give an occasion to a wise man, and wisdom shall be added to him* [Prov. ix. 9]. For how many there are—yve have certain proof of it—that, struck by the evidence of the truth would have long ago become Catholic, and put it off from day to day for fear of the violence of their own party! How many remain enslaved—not to the truth, for there never was any presumption that the truth was on your side—but to the heavy chains of inveterate custom, so that in them the divine word is fulfilled: *A slave will not be corrected by words: because he understandeth what thou sayest and will not answer* [Prov. xxix. 19]. How many believed that the party of Donatus was the true Church, merely because the peace in which they lived had made them sleepy, tired, idle in seeking out the truth! For how many were not the doors of the Church closed by lying rumours that we placed I know not what offerings on the altar of God! How many, thinking that the place where a Christian was could matter but little, remained in the sect of Donatus because they had been born there,[1] and because nobody had compelled them to leave it and pass to the Catholic Church. The fear of these laws by whose promulgation *kings serve the Lord infear,* has been thus profitable to all."[2]

In the letter to Boniface mentioned above, written about 417, in which he summarises the same argument, St. Augustine adds: "Give me a man who, with right faith and true understanding, can say with all the energies of his heart: *My soul thirstethfor God, for the living God: when shall I come and appear before God?* For such a one there is no need of the terror of hell, to say nothing of temporal punishments or imperial laws, seeing that for him it is so great a good to cleave to God that he not only dreads being parted from that happiness but can scarcely even bear delay in its attainment. But yet before the good sons can cry out that they have *a desire to depart and to be with Christ,* many, like bad servants and good-for-nothing fugitives, must first be recalled to their Lord by the goad of temporal pains. For who can love us more than Christ who has laid down His life for His sheep? And yet, after calling Peter and the other Apostles by word alone, when He came to summon Paul, who was before called Saul, who would become the great builder of His Church but was before her cruel persecutor, He not only stopped him with a word but dashed him to earth by His power; and to bring him to desire the light of faith who walked in the darkness of infidelity He struck him first with blindness of the eyes. Without that punishment he would not afterwards have been healed; and unless he had had afflicted eyes when, opening them, he saw nothing [Acts ix. 8], the Scripture would not tell us that there fell as it were scales from these eyes at the touch of Ananias' hands. What then becomes of the Donatist protestation: *Is not man at liberty Io believe or not to believe? To whom did Christ do violence? Whom did He constrain?* Here before them stands the Apostle Paul. Here let them recognize Christ first compelling and afterwards teaching, first striking and

[1] That is, remained there bv culpable negligence,

afterwards consoling. For wonderful indeed it is that he who entered the service of the Gospel through corporal constraint, afterwards laboured more in the Gospel than all they who were called by word of mouth; and he who was compelled by fear to love displayed that perfect love that casts out fear."[1]

Later on, in the *Retractations* (towards 426) the same doctrine appears. St. Augustine there speaks of two books of his, now lost, written *Contra Partem Donati*. "In the first of these books I wrote that I was displeased at those who wished to call in the secular arm to force the schismatics to return to communion. And at that time, it is true that I did not approve it at all. I had then no experience either of the audacity in evil which brought them impunity, or of the beneficent change which the observance of discipline could produce."[2]

Elsewhere Augustine shows himself aware that these interventions of the secular arm "are subject to abuses, and detestable abuses, which the good condemn and oppose to the best of their power [no doubt he had had occasion himself to react against them with all the authority at his command] but if it happens that the good cannot prevent what they condemn, it will be their duty to put up with it for the sake of peace, *pro pace laudabiliter tolerant, non ea laudabilia, sed damnabilia judicantes* . . . He thinks of the coercion of heretics by the secular arm; he foresees the excesses it may occasion; he asks us to resign ourselves to these *pro pace,* for the peace of the Church, because nothing can justify schism, and because the good should not abandon unity whatever the trials they may have to face."[3]

d. Conclusion

What is to be the theologian's final reply to the problem raised by recourse to the secular arm?

If recourse to the secular arm were, in itself, that is to say always and everywhere, contrary to the true spirit of the Gospel, we should evidently be unable to regard it as open to the Church. It would be unjustifiable. At the most we might be able to plead extenuating circumstances. And, since we believe that the Church herself is holy and immaculate, we should have to throw the responsibility for the numerous occasions on which secular help has been sought and obtained, not on her, but on the spirit of violence characterizing certain historical epochs; on the short-sightedness, weakness, error, passion—in a word, on the personal failings of Pontiffs who so insufficiently or even unworthily represented her. For if the Church is without sin she is not without sinners, and even her Pontiffs may be sinners. Is such a position really called for, or even tenable?

I think not. Undoubtedly there is much that an historian of the Church can put down to the false spirit of the times, to the personal or social short-comings of ministers of the Church; and many regrettable episodes may be

[1] *Epist.,* CLXXXV, 21-22.
[2] Lib. II, cap. v.
[3] Pierre Batiffol, *Le catholicisme de saint Augustin,* Paris 1920, p. 290. Cf. *Contra Cresconium,* lib. III55.

thus explained. But I do not think that resort to the secular arm is always and everywhere incompatible with an enlightened zeal for the Gospel and for the salvation of souls. And so there is nothing to prevent us from sometimes making the Church herself responsible; her purity and sanctity will remain untouched. Moreover it is clear that the Church assumes this responsibility'. We could deny' the fact only by' claiming that a penal law of quite general application, sanctioned by several Popes, long embodied in the Corpus and invoked by the Council of Trent, was the work of the spirit of the world, of ignorance, of human imprudence and passion. And this no theologian would concede.

But it will be important to make quite sure under which of the two schemas above mentioned recourse to the secular arm is had ; for the responsibility of the Church is involved in a completely different way according as she herself makes use of the State as an instrument, or asks, or even requires, the State to act as principal cause, on its own initiative and in its own connatural manner.

Moreover, one fact is evident. In proportion as the temporal power becomes more and more differentiated from the spiritual, in proportion as we pass from a regime of the consecrational type, in which the temporal order is exceptionally well adapted to serve as instrument of the spiritual, to a regime of the secular type bringing together citizens of all confessions and beliefs, any appeal to the secular arm, especially if it be asked to function as a pure instrument of the spiritual, becomes much less frequent, more delicate, more hypothetical. But the essential power, the radical right of the Church, is not therefore modified. It is undeniable. And one can imagine that in a secular Christendom of a pluralist type the Church might still exercise it under new forms, and in connection with her own children alone.

2. THE DEATH PENALTY AND THE MEDIEVAL REPRESSION OF HERESY

a. The State of the Question

Can the Church in certain circumstances—for if we want to state her doctrine, not travesty it, we must be precise, not generalize in the abstract—can the Church, finding the death penalty universally accepted as just in a given cultural epoch, ask the secular arm to employ it for the repression of heresy, when this, besides its proper spiritual malice, is universally held to be a grave danger for the social order—not only because it is very often accompanied (as among the Cathari) with immoral doctrines and practices,[1] nor yet, be it added, simply because it is a heresy'; but rather because it is a heresy which affects Christians living in a Christian society and social order, excluding all non-Christians?

Several Popes have done this. They called upon a temporal social order

[1] "Taking eventhing into account, says a serious historian (Dollinger), if wc read the acts of the tribunals of the Inquisition of Toulouse and Carcassonne, we are left in no doubt that the rntfard, voluntary or forced, claimed more victims than the stake of the Inquisition " (E. Vacandard, p. 120).

composed solely of Christians to use the sternest sanction in its power, the death penalty, in order to save itself from forces bent on its destruction, forces that attacked it at once in itself and in the spiritual principle behind it, that is to say the faith of the Gospel. Did they, in so doing, betray the Gospel?

If the answer is yes, on what position would the theologian fall back? He would say, as we said just now, that the Church being holy and unspotted, the responsibility for the betrayal could not lie on her, but would have to fall wholly on her ministers. This position would now be still more readily defensible. The penal legislation of the Church, meaning thereby not all the legislative measures of the Popes, but only those that found their way into the old Corpus, would be beyond reproach; for if, in the Corpus, there are texts that require the heretic to be turned over to the secular arm, there are none that stipulate that he is then to be put to death.[1]

But ought then the theologian to disavow, if not the penal code, the general and constant *legislation of* the Church, at least the decrees, bulls, the more detailed measures, what might be called the *jurisprudence** of Pontiffs who, like Gregory IX or Innocent IV, in circumstances which I have done my best to detail, have called for the use of the death penalty against heresy, not precisely as heresy, but as the mcdievo-Westcrn heresy, that is to say, heresy directly incompatible with a political constitution designed for none but the faithful? (It is always to be understood that the faith can inspire other political constitutions, in which Catholics would co-exist politically, not religiously, with non-Catholics, and in which consequently the secular arm would no longer be needed by the Church in dealing with heresy.) Here again I do not think we arc reduced to such an extremity.

b. Legitimacy of the Death Penalty in Certain Cases

To legitimize a call for the death penalty by the Church we shall need first to be assured that, in certain circumstances, the State can properly employ it on its own account.

Let us briefly recall that when the Old Testament forbids killing (Exod. xx. 13) the word "unjustly" is understood. For it goes on to prescribe the death penalty again and again, for example in Leviticus (xx. 2, 9, 10, 27;

[1] " Excommunicamus et anathematizamus universos haereticos . . . Facies quidem habentes diversas, sed caudas ad invicem colligatas, quia de vanitate conveniunt in idipsum. Damnati vero per Ecclesiam saeculari judicio relinquantur, *animdversione debita puniendi:* clericis prius a suisordinibus degradati " *(Décrétai^* cap. xv., " De Haereticis lib. V, tit. vit)· Facts alone inform us that in this text of Gregory' IX the *animadversio* signifies the death penalty, as in the ancient Roman law. But earlier it did not carry this sense: cf. E. Vacandard, *L'InqidMon,* pp. 132, 67, note 2. In fact the sentence of Gregory' IX is borrowed almost word-for-word from Innocent III (cap. xiii, *Dt Haereticis,* lib. V, tit. vii). Now, "from the whole penal legislation decreed by Innocent III it results that he never prescribed the death penalty; almost all the critics agree on this point." The *animadversio* under Innocent III included banishment of the guilty, with its consequences, notably confiscation of goods: at the worst, imprisonment for life (E. Vacandard, op. cit., pp. 69, note 2; 73Î 75» nolc Π PP· ŧ24"θ)·

[1] Here we enter the field of particular decisions, in which the Sovereign Pontiff is assisted only in a prudential and fallible manner.

xxiv. 16, 17). The New Testament did not abolish the right of the sword. St. Paul, speaking of the political authority, writes: "For he is God's minister to thee for good. But if thou do that which is evil, fear; for he bcareth not the sword in vain. For he is God's minister and avenger to execute wrath upon him that doth evil" (Rom. xiii. 4). In his *De Civitate Dei,* St. Augustine thus comments on these passages: "The same divine authority that says *Thou shall not kill,* sets up certain exceptions to this prohibition. God then commands, either by way of a general law or a special and temporary commission to an individual, that the punishment of death be applied. Now he is no murderer who acts under authority, but a mere instrument like the sword with which he strikes. And those who by God's commands have waged war, or who, wielding the public power, and in conformity with the divine laws, have put criminals to death, these have by no means violated the commandment *Thou shalt not kill."*[1] Consequently, Innocent III did no more than defend a biblical and traditional truth when he proposed to the Vaudois who wished to re-enter the Church, a profession of faith asserting, *infer alia,* that "the secular power can, without mortal sin, exercise judgment of blood, provided that it punishes with justice, not out of hatred, with prudence, not precipitation."[2]

Drawing his inspiration from St. Augustine, St. Thomas, in a few words, resolves the scriptural difficulties brought against this doctrine.

To the difficulty drawn from St. Matthew: "He who takes the sword shall perish by the sword" (xxvi. 52), he replies that he who *takes* the sword is he who sheds blood without having either legitimate power or delegation from the same. But he who uses the sword by direct command of God or of the legitimate authority, does not *take* the sword, he *receives* it for the vindication of justice.[3] More generally, Christ reminds us that the arms proper to the Kingdom of God are those that are intrinsically *spiritual* and moral. Not that those intrinsically *temporal* or physical arms which it turns to account in a certain measure (making what was alien its own), but which are specially the prerogative of the kingdoms of this world, "are in themselves evil and to be rejected. When He says that he who draws the sword shall perish by the sword Christ does not condemn the sword; He announces a universal law of temporal and transitive action",[4] a law which moreover

1 Lib. I, cap. xxi.

2 Denz., 425.

3 II-II, q. 40, a. I, ad 1; cf. St. Augustine, *Contra Faustian,* lib. XXII, cap. lxx.

4 Rausa Maritain, *Le printt de ce monde,* Paris 1932, p. 17. The terrible fatality which attaches to the use of force, even when legitimate, will not only persuade the churchman to use it only with the greatest prudence, but will also oblige the statesman himself to prefer constructive means to warlike. \Vhen he cannot, and has no alternative but to resort to warlike means, he should surely be led to join the arms of a spiritual warfare to those of a carnal warfare. 4' The force of coercion and oi aggression, the force that strikes, aims at the destruction of one evil by way of another evil i in the physical order) which it inflicts on the body. It follows that evil (on however small a scale), passes from one to another endlessly according to the law' of transitive action. For the patient, unless he has understood and voluntarily accepted the hurt he has received—which happens rarely and anyhow depends on strength of soul—is stirred to react in more or less crafty ways of evil-doing. The force of voluntary suffering and of patience, the force of endurance, tends to annihilate the

had long ago been promulgated in Genesis: "Whoso shall shed the blood of man, his blood shall be shed" (ix. 6), and was to be repeated in the Apocalypse (xiii. io): "He that shall kill by the sword must be killed by the sword."

To the difficulties drawn from the Sermon on the Mount: "But I say to you not to resist evil" (Matt. v. 39), and from the textofSt. Paul: "Revenge not yourselves my dearly beloved, but give place unto wrath, for it is written: Revenge is mine, I will repay, saith the Lord" (Rom. xii. 19), St. Thomas replies that such precepts should always be borne in mind so that we may be ready to obey them, and, if necessary, to refrain from resistance or self-defence. Nevertheless a man must sometimes act otherwise for the common good, or even for the good of those against whom he is fighting.* In short, if these words of Scripture were aimed at the abolition of the death penalty and of the coercive power, St. Paul would not have written that the public authorities do not bear the sword in vain, "being God's ministers and avengers to execute wrath upon him that doth evil" (Rom. xiii. 4).

The secular arm therefore can, on its own account and for its own purposes, rightly inflict, on occasion, the punishment of death.

c. *Whether the Church Could Demand it of the Medieval State Against Heresy*

Yes, if the heresy directly endangered the fundamental political constitution of society, and if the punishment of death was already provided for the worst crimes against the temporal good of society. But in other cases, no.

Let us examine these two conditions.

Consider the hypothesis of a civil society, a cultural world, whose aim it was to bind together politically a religiously disparate multitude, and in which the ruler, even were he Catholic, would represent only the *political* union of that multitude. None can doubt that such a union has become legitimate and necessary to-day. Since the days of the medieval Church, a field in which wheat alone was sown, but enclosed in the narrow limits of the West, Providence has prepared a new era in which tares are to be mixed with the wheat but the field is to cover all the earth.2 On this hypothesis,

evil by accepting and dissolving it in Jove, sublimating its sorrow in the soul in the shape of resignation. There it stays and goes no further. And thus the force that strikes, and is necessary, and, if it be just, stops the expansion of evil and limits and contracts but is unable to extinguish it, lias in its own nature less strength and perfection than the force that endures and that, in the case where it is informed by charity, is of its own strength capable of extinguishing as it arises that evil that free agents never cease to introduce into the world. It is evidently of its own nature a more effective instrument of redemption." It is of moment therefore for politics to know whether spiritual means, the means of patience, " may not constitute a special type of social and political arm whether a systematic organisation of patience and voluntary suffering might not be a special method of political activity " (J. Maritain, *Freedom in the Modem World,* trans. R. O'Sullivan, K.C., London 1935, pp. 175 and 177).

1 II-II, q. 40, a. 1, ad 2; cf. St. Augustine, *De Sermone Domini in Monte,* lib. I, 58.

* Leo XIII declared that if it is not allowable for a Catholic to recognize the equality of all cults, we must nevertheless not condemn the heads of Catholic states who, in view of a great good to be attained or a great evil prevented, bear patiently with what has been granted by use and wont to all these cults in their societies: " Revera, si divini cultus varia genera codera jure esse quo veram

it is clear that heresy, no longer anti-constitutional simply as heresy, cannot be justly made the object of a constitutional repression, either on the initiative of the State or the injunction of the Church. This applies to any sort of repression whatever, and with all the more reason therefore to repression by the sword.

But, on the hypothesis of a society aiming, as the medieval society did, at the political embodiment of the faithful alone, a society composed essentially, not merely accidentally, of none but members of the Church, heresy would not only be antagonistic to the Church, but of necessity and whatever its kind, it would be openly anti-constitutional, and hence deserving of constitutional repression—a repression of which the Church, if need be, might remind the State as a duty. So that—and this is the point to be noted—it could never become a duty for the secular arm to be lifted against heresy save only when this appeared to be undermining the basic temporal order of society.[1]

religionem. Ecclesia judicat non licere, non ideo tamen eos damnat rerum publicarum moderatores qui, magni alicujus adipiscendi boni, aut prohibendi causa mali, moribus atque usu patienter ferunt, ut ea habeant singula in civitatem locum'* (Encyclical *Immortale Dei,* 1st November, 1885). It is not said—to say it would be to fall into the error of theological liberalism—that " because all human opinions of whatever kind have a right to be taught and propagated, the commonwealth is bound to recognize as licit for each spiritual group the law worked out for that group according to its own principles." But to me this principle signifies that in order to avoid greater evils (which would be the ruin of the community's peace and lead to the petrifaction—or the disintegration—of consciences) the commonweal could and should tolerate (to tolerate is not to approve) ways of worship more or less distant from the truth: *ritus infidelium sunt tolerandi* was the teaching of St. Thomas; ways of worship and also ways of conceiving the meaning of life and modes of behaviour; and that in consequence the commonwealth would decide to accord to the various spiritual groups which live within it the juridical status which *the city itself* in its political wisdom adapts on the one hand to their condition, and on the other, to the general line of legislation leading towards the virtuous life, and to die prescriptions of the moral law, towards whose fulfilment in the fullest obtainable degree it should endeavour to direct this diversity of forms . . . Thus the commonwealth would be vitally Christian, and the various non-Christian spiritual groups included in it would enjoy a just liberty" (J. Maritain, *True Humanism,* pp. 160-161). To illustrate this doctrine the same author elsewhere examines the case of the polygamous customs of the Camcroons: "If it is true that the colonising power may not impose on the natives, without introducing greater evils, the Christian law of monogamy, it is equally true that while recognising the ' fetishist ' and Mohammedan marriage it ought not only, as convert natives grow more and more numerous, to recognize in their case also the Christian law (which it does not yet do), but it ought also to orientate the personal law of fetishists and Mohammedans in the direction of true moral and social principles, by limiting by positive prescriptions the ravages of polygamy and by promoting at the same time everything that tends to an improvement in morals" (J. Maritain, *Freedom in the Modem World,* p. 66).

1 " Every heresy, outwardly manifested, whatever the name of the sect, was considered as a public crime, a social offence, and *punished as such;* for every heresy*, whatever it might be, even when it had only a speculative character, was, and was considered at this time as, an offence against the public order since it tended to break up religious unity, which was, and was regarded as, the primary social bond, the foundation of society. *Rightly or wrongly it was religious unity that constituted the unity of the fatherland*" (L. Choupin, S.J., *Valeur des décision^* etc., p. 536). The constitution *Inconsutilem Tunicam Dei Nostri* of Frederick II, approved by Innocent IV in 1243, declares that the crime of heresy should be reckoned among public crimes, *inter publica crimina;* that it is worse than lèse-majesté because it is the divine majesty that is attacked, although before the law one does not surpass the other *[quamvis judicii potestate, alterum alteri non excellat];* and that it should be punished like the crime of high treason [nrizh *perduellionis aimen] (Bullarium Romanum,* Turin 1858, vol. III p. 500).

If moreover—and here is the second condition—the death penalty is provided for the highest crimes against the temporal good of society, it is clear dial the secular arm could punish the heretic with death, and that the Church, at need, could remind it of its duty; and more readily on this point than on others, since what heresy destroys is the faith, the supreme political value in a consecrational regime. In fact, it was not the Church, but the secular arm itself—and under the most sceptical of princes—which, in the Middle Ages, legally extended the death penalty to the crime of heresy.[1] Finding this penalty received and in force the Popes did not declare it unjust. Did they thereby betray the Gospel? Yes, if the Gospel forbids the State ever to use the death penalty: and then St. Paul himself would have betrayed it. Otherwise, no. For at this period heresy appeared as one of the gravest of political disorders, and if the legitimacy of putting the malefactor to death was to be contested, that should have been done in connection with such crimes as theft and coining, and not in connection with heresy.

If we take due account of these two points—the basically anti-constitutional character of medieval heresy, and the legitimacy of the death penalty—we shall recognize the defensibility not only of the ancient Corpus, but also, in all essentials, of the conduct and jurisprudence of the Popes themselves in encouraging the secular arm to deal with heresy by capital punishment. We say "in essentials" because it will remain for the historian to appreciate in each individual case, the manner in which the jurisprudence was applied, and the abuses to which it lent itself.[2]

[1] Historically it was not the Church that introduced the death penalty for heresy. It had a popular origin. It passed into the penal code, into the laws, with Frederick II under the influence of legists who were reviving the Roman Law, by the successive constitutions of 1224 for Lombardy, of 1231 for Sicily, of 1232 for the whole Empire. The measures taken by Frederick II were approved by Gregory IX—who soon found himself forced to excommunicate the Emperor—and then by Innocent IV. cf. Choupin, op. ch., pp. 491-2; Vacandard, *L Inquisition,* pp. 129-131.

[2] St. Thomas' reasoning proceeds under the double supposition (1) of a State consecrationally Christian, and (2) the legitimacy of the death penalty* for crimes against the State. To neglect these suppositions is to condemn oneself to understand nothing of his thought, and to see no more in his argumentation, for all its clarity, than a subject for scandal.

In *IV Sent.,* dist. 13, q. 2, a. 3, " Whether heretics should be tolerated ", he carefully distinguishes the competencies involved. " Heresy is a contagious evil; and as for heretics says St. Paul, ' their speech spreadeth like a canker' [2 Tim. ii, 17]. That is why the Church excludes heretics from the society of the faithful, especially when they set out to corrupt others. For fear that they may pervert *simple* the Church gets rid even of their bodily presence by shutting them up or expelling them; if it were not for this danger they might be ignored. Those who are firm in the faith may converse with heretics and try* to convert them; but without taking any part in their worship since they are under excommunication. The civil tribunal may licitly put them to death and confiscate their goods; and this even when they* arc not going about to pervert others. If they blaspheme God, if they follow a false religion, they deserve punishment much more than those who arc guilty of lèse-majesté or who coin false money."

In the *Summa* (II-II, q. 11, a. 3) St. Thomas speaks first of the punishment the heretics deserve, and then of the mercy of the Church: " By reason of their sin they deserve not only to be separated from the Church by excommunication, but also to be severed from the world by death." He goes on to prove this second assertion. For a political society made up exclusively of the faithful " it is [even politically] a much graver matter to corrupt the faith which quickens the soul, than to forge money which supports temporal life. Wherefore if forgers of money and other evildoers arc forthwith condemned to death by the secular authority, much more reason is there [here St. Thomas argues *afortiori,* but Vacandard, who overlooks the fact, writes that he " only brings forward a com-

d. *The Thirty-third Proposition of the Bull* Exsurge Domine

A word now on the Thirty-third Lutheran proposition condemned on the 15th June 1520, in the Bull *Exsurge Domine.*' "The burning of heretics is against the will of the Spirit."[1]

In the eightieth conclusion of his *Resolutiones Disputationum de Indulgentiarum Virtute,* addressed in 1518 to Leo X, Luther protests against the interpretation which put two swords, one spiritual and the other material, into the hands of the Sovereign Pontiff. For Luther, the two swords are the Spirit and the Gospel. In our day, he adds, what we seem to want "is not to destroy heresies and errors, but to bum the heretics and the misled, following less the counsel of Scipio than that of Cato who wanted to see Carthage destroyed. We even go *against the will of the Spirit,* who wrote that the Jebusites and Canaanites were left in the promised land so that the children of Israel could learn to make war and keep their warlike skill, by which are prefigured, if St. Jerome does not mislead me, the wars of the heretics. In any case, the Aposde is to be believed when he says: *There must needs be heresies.* But we say, on the contrary, that the heretics must be burnt. .As if we had to pluck up the roots along with the fruits, the cockle along with the corn."[2] These reflections were condensed into the condemned proposition: "It is against the will of the Spirit that heretics arc burnt."

It is to be noted first that Luther did not deny either that the Spirit punishes the reprobate in the fires of hell, nor that the true heretics are deserving of hell; so that in a sense (which doubtless is not in question here) Luther's proposition might have appeared false even in his own eyes. It may be further remarked that having begun by saying that the heretics

parison that docs duty for proof" *(L'Inquisition,* p. 208;] for heretics to be not only excommunicated by the Church but put to death by the secular authority as soon as they are convicted". And yet what does the Church do? She docs not condemn them straightaway, for she desires the conversion of the sinner, but she does so only after die first and second admonition as the Aposde directs; after that the Church no longer hopes for the heretic's conversion but looks to the salvation of others by excommunicating him and " separating him from the Church, and furthermore delivers him to the secular tribunal to be exterminated thereby from the world by death". So, when she finds herself faced with relapsed heretics she admits them always» without doubt, to penance, but makes no further effort to keep them from sentence of death. The whole aim of the fourth article is to establish that there is no necessary sin against charity in punishing them by death through the secular arm.

Vacandard'$ failure to understand these texts of St. Thomas is surprising. He reproaches him for giving us a comparison in place of a proof, and objects that it would serve the purpose to replace the death penalty by life imprisonment; or, if it were necessary to strike terror, " even repentant heretics might be condemned to death at the outset He concludes: " Evidently, St. Thomas . . . has but one aim: to legitimize the criminal discipline of his time. And that is his excuse. But it must be recognized that be has seldom been so ill inspired. His theses on the coercive power of the Church and the punishment of heresy arc disconcertingly weak" *(L'Inquisition,* p. 211). More happily inspired, no doubt, die same author nevertheless w*rote at the end of his book: " The system of defence and protection which she [the Church] adopted in die Middle Ages, succeeded, at least partially. It is enough diat it was not essentially unjust that she docs not have to disown it as immoral" (ibid., p. 310).

[1] Denz., 773.

[2] *Op. Lal.,* Jena ed., 1564, vol. I, p. 114.

should be overcome by the Scriptures and not by fire, Luther soon changes his inind and maintains (and with him the Protestant theology of the sixteenth century) that if they resist Scripture, heretics—in this case the Anabaptists—should be put to death, even when not seditious; and the Saxon law provided the punishment of fire preceded by torture to make them reveal their accomplices.[1] But let us come now to the heart of our subject. Against Luther, who was maintaining that the heretics could not, in those days, be put to death without defying the Holy Spirit, Leo X affirmed the existence of a right in those days to apply the death penalty to heretics. Who had that right? Not the Church. It belonged to the Christian State. The Church judged of heresy and called on the State to perform its temporal duties.[2]

The theses mentioned in the Bull *Exsurge* were condemned by the Pope "as respectively heretical, or scandalous, or false, or as likely to shock pious ears and seduce simple minds."[3] What note of condemnation attached to the thesis that heretics could not be put to death? Certainly a lesser note than heresy; like the thesis immediately following: "To fight against the Turks is to fight against God who, through them, punishes our iniquities"—a thesis which also would soon be violently disowned by its author. To call on the secular arm to defend Christendom against its enemies within and without, against the heretics and against the Turks, then seemed to be a piece of prudence not to be rashly dismissed.

e. Recourse to the Secular Arm in the Manner of the Church and the Manner of the State: from St. Augustine to St. Thomas

Let us be still more precise. How are we to understand the respective responsibilities of Church and State in applying the punishment of death?

Did the Church take the immediate responsibility of the initiative, using the State as an instrument, a tool, for the direct procurement of her own good, and then secondarily of that of the State? Or did the Church content herself rather with inviting, even requiring[4] the State to do its duty as a medieval Christian state—a state constitutionally composed of Christians—to act of itself, as a principal cause, under its own responsibility, to procure its own temporal good directly, and the spiritual and higher good of the Church secondarily? In the first case it would have to be said that the antisocial

1 H. Grisar, S.J., *Luther,* London 1913-17, vol. VI, pp. 248-68.

2 Luther's reply to Leo's condemnation really established only one thing: that the Church as such cannot have recourse to the punishment of death *(Assatio Omnium. Articulorum pa Bullam Leonis X Pfafasimam Damnalnum,* December 1520, *Opera,* Jena ed., 1566, vol. II, p. 309).

3 *Bullarium Romanum,* Turin i860, vol. V, p. 752.

4 Counts, barons, rectors, and consuls had to swear to apply, according to their power, the ecclesiastical and imperial decrees against heretics: those who broke their oath were deprived of their office and excommunicated, and lheir lands placed under interdict (Decretal *Ad Abolendam, Decretals,* cap. Lx, " De Haereticis ", lib. V, lit. vii). Under Boniface VIII the temporal lords and their representatives who set themselves in opposition to the bishop or the Inquisitors were excommunicated, and if they did not yield within a year they were themselves considered as heretics *{Sexle,* cap. xviii, " De Haereticis", lib. V, tit. ii).

character of all heresy in the Middle Ages was but a *conditio sine qua non* of its repression by the secular arm, the formal motive of the repression being the directly anti-religious character of heresy. In the second case it would have to be said that the anti-social character of heresy was the *formal motive of* its repression by the secular arm.

Thus, as has been said, recourse to the secular arm could be explained theoretically in more ways than one. It is not always easy for the historian to say which it was that prevailed. The official and canonical documents do not seem to suffice to settle it, for they often appear to support opposite conclusions.1 We must go the heart of the matter, and note the kind of action taken against heresy.

If the repression is carried out in the manner of the Church, conformably, that is, with the deeper exigencies of the Church, so that the use made of intrinsically temporal penalties is overruled, moderated, and transfigured by purely spiritual influences and raised to the height of the spiritual, then the Church is acting as principal cause and the State is no more than an instrument. But if the repression is carried out in the manner of the State, conformably with the exigencies of the State and of its harsher means, so that the legitimate use of temporal penalties (for we are considering legitimate use alone) is abandoned to the gravitational pull of the temporal, then it is the State that is acting as principal cause, and the Church is merely stimulating it. That seems to be the rule. How is it to be applied?

We may say that for St. Augustine, recourse to the secular arm was conceived in the manner of the Church. The State was no more than the instrument of a cause directly religious and indirectly secular. Its proceedings therefore reflected the moderation and sanctity of those of the Church herself. If Augustine calls for the support of the secular arm, he tries at the same time to bring its intervention under the laws of a higher justice, more merciful than that which presides over purely temporal causes. He is afraid that the State docs not always act with the needful high-mindedness, sobriety and charity, that it does not sufficiently enter into the spirit of the Church, and may end by compromising her. He wants it to abstain from punishments involving mutilation and death, and to fall in with the Church's horror of

1 For example Innocent III approves the Constitution *Inconsutilem,* punishing heresy as a crime against the State *[perduellionis* rrimtn]: and that means presumably that it was for the State to take the initiative against it. But Boniface VIII would not allow the temporal power either to take cognisance of, or to judge, the crime of heresy which is purely ecclesiastical cap. xviii, " De Haereticis ", lib. V, tit. ii); and on 30th September i486 Innocent VIII ordered the magistrates of Brescia, under pain of excommunication, to execute the sentence passed on the heretics by the local bishop and the Inquisitor of Lombardy, while refusing these magistrates the right to control the proceedings, since the crime of heresy is purely ecclesiastical [nzn *kujiumedi crimen haïrais sit mere ecclesiasticam] (Bullarium Romanian,* Turin i860, vol. V, p. 326): that is to say, presumably, that the State is only the mandatory of the Church. However it is not difficult to solve the contradiction. It is for the Church alone to denounce heresy which, in itself and abstractly, is a " crimen mere ecclesiasticum ". But if it be true that in the historical Middle r\ges every heresy is a crime against the State, " perduellionis crimen ", it suffices for the Church to indicate the fact of heresy to lay on the State the duly of intervening, not necessarily as mandatory of die Church, but on its own account and in its own name.

wqwWRggg*

blood. To the tribune Marccllinus, then sitting in judgment on the Donatists who, having kidnapped two Catholic priests, had killed the first and mutilated the second by putting out an eye and cutting off a finger, St. Augustine wrote about 412 that he was very anxious "lest perchance your excellency should judge them worthy, according to the laws, of punishment not less severe than the injuries they had inflicted upon others. Wherefore I implore you by your faith in Christ, and by the mercy of Christ the Lord Himself, by no means to do this or permit it to be done. For although we might silently pass over the execution of criminals who need not be regarded as brought up for trial on any indictment of ours, but by those to whose vigilance the preservation of the public peace is entrusted, we do not desire the sufferings of the servants of God to be avenged by the infliction of precisely similar injuries by way of retaliation. Not that we object to preventing these wicked men from committing further crimes; but we desire rather that justice be satisfied without taking their lives or maiming their bodies in any part, and that, by such coercive measures as the laws prescribe, they may be turned from their insane frenzy to the ways of peace, or compelled to give up their violence and betake themselves to some useful labour. This is indeed called a penal sentence; but who does not see that when a constraint is put on the boldness of savage violence, and the remedies fitted to produce repentance are not withheld, this discipline should be called a benefit rather than a vindictive punishment?"[1] In the *Contra Cresconium* (about 406), St. Augustine had even declared that "it does not please good people in the Catholic Church when an evil man, even a heretic, is put to death".[2] But how arc these texts, especially the last, to be understood? Does Augustine set himself absolutely against the death sentence? No, since towards 413 he recognized its lawfulness in a text of the *De Civitate Dei* cited above. Does he wish to deny the Church the right to authorise the use of the sword in any circumstances? He does not say so, and we cannot attribute the view to him. He desires simply that the sword should not be used when some other punishment will suffice; and he does not consider that its use against heresy is just or suitable for times like his, when the Christian world is not yet politically organized. He tries to spiritualize the action of the State as far as may be before putting it at the service of the Church, even to absorb it in a way into that of the Church. Above all, *if the State is merely the mandatory of the Church he would not have it defend her by the sword.* For then indeed the maxim is valid: "Illud ab co fit, cujus auctoritate fit."

Things were different in the Middle Ages. It was no longer a case of a government's favouring Christianity, but ruling over a mixed body of Christians and pagans. Western society is now altogether Christian. It is Christian in constitution. Heresy, more than ever before, has become a political crime. The medieval State is forced to protect itself against it, for it endangers the very principle of its existence. If it is not to perish it must mobilise the means of defence at its disposal; and these means are harsh.

[1] *Epist.* CXXXIII, I.

[2] Lib. HI, 55.

Politically, and therefore morally, it may justly defend itself; and it is even its duty to do so. And the Church, which then to a great extent depended on the State for the conditions of her biological existence, could at need recall it to its duty.

The repression of heresy in those days was effected in the manner of the State, to safeguard the good of the State in the first place, and that of the Church, so much more precious in herself, in the second. The responsibility therefore fell directly on the State and not on the Church. The Church was responsible for recognizing and approving a political structure incorporating none but Christians (Jews and pagans being held at arm's length), and one therefore in which heresy, should it unexpectedly crop up, would seem a crime against the State; but we cannot say that the Church, at any given moment of her historical existence, should from the first have refused to recognize as legitimate a society composed of none but the faithful. There was nothing sinful in such an experiment. Again, the Church was responsible for having recognized the legitimacy of the death penalty for crimes against the State; but here too the Church acted rightly. In this sense, then, the Church was responsible for the death of heretics; but evidently only by way of an after-effect and essentially indirectly. She cannot justly be saddled with the real responsibility. In virtue of the political and historical conditions of the Middle Ages it lies squarely on the secular power. It was for the latter to punish heresy as a crime against the State when the Church had punished it as a religious offence by excommunication. And things were such that at the beginning, when the secular power attempted to shirk its duty, as happened more than once, it failed in one of its principal tasks, that of safeguarding the common good and the public safety. I say "at the beginning", and for as long as the states were constitutionally composed of the faithful alone; for later on, when their populations became of necessity mixed, the moral obligation to civil repression of heresy automatically lapsed.

Thus then, in St. Thomas' day, the State acted, or at least was held to act, on its own account in dealing with heresy. Certain precautions taken by the canonists whereby, on handing over the delinquent, they invited the secular courts to stop short of effusion of blood and the death penalty, might lead us to think that the ecclesiastical power considered itself still as primarily and principally responsible for the treatment inflicted on the heretics.[1] But these are formulas of an age that had long passed away. By the time of Gregory IX, and much earlier no doubt, the effective responsibility for the punishment of heresy had passed to the secular powers, and the expression *brachio saeculari relinquere* is not in the least to be taken as a legal fiction, still less

[1] "The formula by which they [the Inquisitors] rid themselves of an impenitent or relapsed heretic ran thus: 'We dismiss you from our ecclesiastical court and abandon and hand you over to the secular arm. Yet we pray, and that effectually, the secular court to moderate its sentence so that it avoids the shedding of your blood and danger of death.' The secular judges, unfortunately, were not able to take this formula literally. If they had tried to do it they would have been recalled to reality by excommunication. The casuists* clause deceived nobody" (E. Vacandard, *L'Inquisition,* p. 214).

an hypocrisy, but meant just what it said. That is the opinion of many theologians to-day? I think it was that of St. Thomas himself; there is nothing in his writings to oblige us to rank him among those who threw the juridical responsibility for the death penalty on the Church.[2]

To sum up: when punishments are moderate and still keep something of the air of paternal correction, that is a sign that the Church herself is taking the responsibility for the chastisement of heresy and is treating the State as a mandatory. But when the sanctions become heavier and more terrible, that is a sign that the State, under no matter what legal formula, is now the principal partner in the business of repression and has undertaken to conduct it in

1 cf. L. Choupin, S.J., *Valeur des décisions* etc., p. 525. Some of these theologians, and we think with good reason, even refuse the Church the *right* of decreeing (and *a fortiori* of herself inflicting), the punishment of death. Thus Mgr. Douais, cited by L. Choupin, op. cit., p. 519: " The question is not whether, *theoretically,* the Church would not have been competent to inflict the punishment of death. Theologians and canonists may discuss it if they like; if they grant the Church this juridical power, like Suarez, it is of small importance to us: pure theory, nothing more. As for me, I do not grant it. . . but what is my opinion worth? *In reality,* the Church has never admitted the penalty of death into her law (that is to say into the *Corpus Juris).* She has indeed resolutely put it aside." Even if we recognize that the Church has the *right* to punish by death, it does not follow that in fact she has ever exercised it.

2 Suarez does not hesitate to throw the responsibility for the death of heretics on the Church. He asks himself: who could inflict this punishment on them?—and answers that the power resides in the Sovereign Pontiff principally, in an eminent manner, as in him who commands and gives the impulsion; then, in the temporal prince in a proximate manner, in subordination to the spiritual power, as in him who executes and receives the impulsion *{De Fide,* disp. 23, sect. 1, no. 7). However, neither Charles V nor Philip II understood it in this way. On the Inquisition set up in 1481 by the Catholic kings, it has been said: " Very different in this respect from the Inquisition in other lands, its end was at once political and religious. Through the heretic it aimed at the foreigner. It was thus an essentially Spanish institution and if we are to judge it equitably we must take account of this double rôle. It was also always popular with the Spaniards who were grateful to it for safeguarding the purity of their race and faith. Suspect to die Popes, it was dear to die Kings, whose political designs it served while protecting the interests of religion. It was die jealous guardian at once of orthodoxy' and of nationality" (J. H. Mariejol, " L'Espagne", in the *Histoire générale* of E. Lavisse and Λ. Rambaud, Paris 1894, vol.IV, p. 332). I myself tlrink that the repression of heresy had a political character everywhere arid not only in Spain. But certainly it was in Spain especially that it took on the character of a " national purification".

The nature of the Spanish Inquisition has been much discussed. From the fact that the sentence of death was passed only by the royal tribunal and diat the goods of the condemned were confiscated to the profit of the royal treasury, Joseph de Maistre concludes diat " the tribunal of the Inquisition was purely royal " *{Première lettre à un gentilhomme russe sur Γ Inquisition espagnole).* Pastor protests against this view. He recalls that " no Pope has condemned the Spanish Inquisition in itself, but many for these abuses . . that " many, on the contrary, have spoken in its favour ", that its practice of handing over the condemned to the secular arm proves that it was also a religious tribunal; he concludes that the Spanish Inquisition appears as a ""mixed, but primarily ecclesiastical institution " *{History of the Popes,* London 1894, vol. IV, pp. 400-403). The truth surely is clear. The Spanish Inquisition did not differ *in essence* from the medieval Inquisition. The Church was responsible for the one only in the same measure in which it was responsible for the other. But the mode in which the Spanish Inquisition *functioned* had a special character. After they had forced Baptism on the Jews the Catholic kings perceived that the Spanish nation and the Catholic religion were in great danger from pretended converts. To remedy this they obtained from Sixtus IV in 1478 an authorisation to set up the Inquisition in Spain. Its activities soon became infected with the nationalist passion. On 29th January 1482, Sixtus IV himself began to protest against the doings of the Inquisitors. On the 2nd August 1482 the Pope put out another Brief which ended with these words: " As it is mercy alone that makes us like to the Lord God, we beg and exhort the King and the Queen, for the love of Jesus Christ, to imitate him whose property it is always tn have mere)' and to spare " (cf. Pastor, loc. cit).

its own way. It is significant that it was the Emperor Frederick II who legalised the use of the death penalty and of the stake against the heretics.

Even if one had to grant with Suarez (which I do not) that the Church was the principal agent in the application of the death penalty, it would remain clear after all that has been said, that she was prompted only by the peculiar political situation in the Middle Ages—a situation which, on Suarez' supposition, played the part, not as I believe of "formal motive" but at least of condition *sine qua non* for the intervention of the Church. But dien the Church, as we must recognize, would have undertaken very heavy repressive proceedings. Too heavy, in my opinion at least, to leave her holiness untarnished. Moreover the State, then functioning only as an instrument, could have taken none of this responsibility' upon itself. We should then have had to attribute it, not to the sins of the Church, but to the sins of her representatives, the sins of the hierarchy. *The Church in the person of her Popes,* says Vacandard somewhere; the expression is just, but could be taken equivocally. For, in those of their proceedings which w'ould be blameworthy in God's eyes, or manifestly tainted with error or injustice,[1] the Popes do not represent Christ; they are not the Church. However, fortunately we have no need to fall back on this extreme solution.

Here it may be remarked that the attitude of the Pope and the bishops seems to be different in the case of a judicial condemnation to death for heresy, and in the case of the holy war, of the Crusade against the heretics or the Mussulmans. In the first case the ecclesiastical tribunals handed over the delinquent to the secular arm. In the second we shall see the Pope or his legate positively directing the operations of the Crusade. That is why we attribute the responsibility for the judicial punishment of heretics to the secular power. This solution will not serve for the Crusades. There the responsibility' rests on the legate and finally on the Pope—considered, it is true, not as head of the Church but as protector of Christendom. If the facts demanded it, there would be no objection from a theological standpoint to the adoption of this last solution to explain the judicial punishment of heresy: the secular power would then be an instrument in the hands of the Pope, as Suarez would have it—but of the Pope considered as protector of Christendom and not as Vicar of Christ. My chief preoccupation here once more is not to detail the facts as an historian would do, but to bring out the theological explanation they require when looked at in the light of the subsequent evolution of theological doctrine.

f. The Relation of the Pagan Empire to Christianity Unlike that of Medieval Christendom to Heresy

If it be now objected that Christianity' had formerly overthrown pagan society, just as heresy overturned the Christian society, and that in consequence, according to our principles, the pagan State had the right to persecute

[1] And it is die State, not the Church, which they would represent when acting as temporal princes or as protectors of Christendom.

the Christians, the reply will be that from the standpoint of a pure political empiricism the two situations did in fact present similar characteristics, and that once the legitimacy of a State essentially and constitutionally pagan is admitted, it must indeed be granted the right to punish Christians as guilty of the crime of Rse-majestc:l not all the persecutors were wholly possessed by the spirit of hatred, and many, no doubt, resembled that proconsul who warned Cyprian to have a care for his life, and to whom the saint serenely replied: "Do what you have to do."

But the error would consist precisely in this empiricism. We must tread warily: the debate is not solely, or even directly, religious. It does not consist in asking whether medieval heresy had the same rights against Christianity as Christianity had against the old paganism: the answer is clear, but leaves intact the question whether we are to form the same estimate of the death penalty as used against the first Christians and as used against the first heretics. This question is directly *political* and indirectly religious: it consists precisely in asking whether the pagan Empire could as legitimately defend itself against the Christians as the medieval regime could against the heretics: we must take pains to discover, said St. Augustine, in a textaiready mentioned, not whether anybody is constrained, but in what cause he is constrained, whether in that of good or of evil, ofjustice or injustice.

This raises the whole question of the legitimacy of the pagan Empire. My answer is that this Empire was politically legitimate to the extent to which it assured, doubtless with numberless deficiencies, a certain common good, a certain authentic political order. In this sense St. Paul could write to the Romans themselves that "authority comes from God only, and all authorities that hold sway are of his ordinance. Thus the man who opposes authority is a rebel against the ordinance of God", that "the magistrate is God's minister, w'orking for thy good", and that we must be subject "not only for fear of punishment, but in conscience" (xiii. 1-7). Now, the first Christians had no intention of overturning this authentic political order; they tried, on the contrary, to respect it, as the first apologists remarked, and they safeguarded it as far as they could when their numerical growth entailed the foundation of a new political regime. But the pagan Empire was politically illegitimate to the extent to which it protected paganism against Christianity, and politically and constitutionally conditioned the existence of one of the worst religious aberrations, one moreover in which the rulers did not themselves believe. In this sense St.John compared it to the Beast issuing from the sea, blaspheming against God, warring with the saints and having power over the whole earth (Apoc. xiii. 1-8). Thus, from the standpoint of a political science that

l "The juridical terminology of the Romans had no equivalent for apostasy from the national religion. The expression *crimen laesae Romanae religionis,* which occurs in Tertullian, gives us the right idea, but then it was not a term in general use. The *crimen laesae majestatis* (high treason) was, on the contrary, well defined by the law. At the time under consideration, and in the conditions existing when the difficulty arose, there was little difference between the two . . . as a matter of fact, Christians were denounced, hunted out, judged and condemned, simply as Christians" (L. Duchesne, *The Early History of the Church,* London 1914, vol. I, pp. 80-1).

would transcend empiricism, of a large and integral politics, the persecuting edicts appear unjust and the conduct of the Emperors monstrous. That cannot be said of medieval society. Its constitution politically conditioned the existence of Christianity and not of a religious aberration. Heresy, in overturning it, had neither the intention nor the power to replace it by any other Christian political constitution. If, in ruining medieval Christendom, it prepared a future Christendom, the Christendom of to-morrow, it was not in any direct and constructive manner, but indirectly and blindly. It appeared, politically, as the opposite of a legitimate movement. The State could take severe measures against it without injustice.

3. TORTURE AND CRUELTY IN THE MIDDLE AGES

Let us sum up what has been said on the medieval repression of heresy. First, the laws of the *Corpus Juris,* which nowhere mention the death penalty and provide for abandonment to the secular arm only for other punishments, such as confiscation of goods and imprisonment, do not seem unreasonable. The jurisprudence of those Popes who, from Gregory IX onward, approve the secular power for its spontaneous introduction of the death penalty for heretics, and go so far as to recall it to its self-imposed duty, seems to me also justifiable, so long at least as this jurisprudence has the character of an authentic measure of *public* safety, and provided one observes the first rule of sound history and puts events into their historical context. But what then are we to say of the jurisprudence of these same Popes when it sanctions the use made by the civil tribunals of the barbarisms of the stake and the torture chamber? Are we obliged to justify' it? Here the question becomes more complex.

a. The Middle Ages and Modem Times

Without wishing to pass a comprehensive judgment on the morals of the Middle Ages in order to compare them with those of other times, we have, to start with, to note a fact. Alongside characteristics whose nobility and delicacy win all admiration, the Middle Ages present us—e.g., in penal customs and methods of suppressing disorder—with brutalities, cruelties and barbarisms which revolt our sensibilities and provoke our indignation.[1] And we are right to be scandalized; but that does not mean that our modem conscience is necessarily, on the whole, and in the sight of the angels, more

[1] How could this barbarity in "penal customs co-exist with so much sweetness of feeling? Consider, for example, the wonderful human tenderness which illuminates the primitive French pictures of the fifteenth century; and then remember that at the same period, in the same people, the rack and the strappado were in full use. One might try' to explain it perhaps by the fact that in ages of strong vitality passion bums with an equal intensity in extreme and opposed forms, such as gentleness and cruelty, even occasionally in the same man: or perhaps by the fact that Christianity, which has not yet had time to penetrate into certain lower regions of the collective soul, was received with so much the more fervour, purity, completeness in the higher regions of this same soul, represented by the contemplatives and artists. Gustav Schnurer refers to the presence of these contradictions, especially in the fifteenth century, and he adds: "These discords clash violently with the measure and equilibrium which characterize the medieval ideal of humanity at its apogee. Their explanation is to be found above all in the fact that the people lacked direction and that its good and bad instincts alike were insufficiently held in leash" *(Kirche und Kultur im Siitulaltcr,* 1st cd., Paderborn 1930, vol. III, p. 267).

generous, more spiritual, more holy, more heroic, than the medieval conscience—in a word, that it is better *intensively',* it means that, Christianity having quietly continued its work, a certain cultural progress has been achieved,1 so that the modern conscience is more alive to certain of its duties, and has become better *extensively,* at any rate in so far as it has not lost ground elsewhere. However that may be, this spirit of violence, the dregs of a barbarism which Christianity has not yet fully dissolved, the upsurge too of a barbarity that Christianity had repressed, overshadowed one whole side of medieval history, and ended by surrounding the most legitimate institutions and enterprises with an atmosphere of horror. For our modern imagination it is all concentrated in a single word: the Inquisition.

b. Condemnation of Torture by Nicholas I: Its Revival

Whence arose the use of torture in the tribunals of the Middle Ages? It "had left too many sorrowful memories in the minds of the Christians of the first centuries for them to dream of employing it in their own tribunals. With the exception of the Visigoths, the barbarians who founded the states of Europe knew nothing of this brutal method of judicial enquiry. At the most, they availed themselves of whipping which, according to St. Augustine, had a paternal and familial character."2 In 866, in his *Responsa ad Consulta Bulgarorum,* Pope Nicholas I seized the opportunity offered him formally to condemn the use of torture, even in the civil tribunals. He declared it to be contrary to divine and human law.3 We see in which direction the influence of the Church was brought to bear at the outset.

1 Sec my ***Exigences chrétiennes en politique,*** Paris 1945, pp. 43θ_43·

2 E. Vacandard, ***L'Inquisition,*** p. 175.

3 " You say that in your land, when a thief or a brigand has been arrested and denies his guilt, the judge has him struck on the head and pricked in the sides with hot irons until he confesses. But neither divine nor human law can in any way admit this ***[quam rem nec divina lex, nec humana prorsus admittit].*** For confession should be free; it should not be extorted by violence but voluntarily proflcred. And then if after using these torments, you fail to discover anything, are you not ashamed and do you not see how impiously you judge? If, on the contrary, overcome by pain, the victim admits a crime he has not committed, on whom, I ask, falls the infamy of so great a wickedness if not on him who has forced the unfortunate man to lie? He who utters with his mouth what is not in his heart, may speak indeed but docs not acknowledge guilt. Drop these customs therefore and wholly condemn what hitherto you have done from ignorance 0 (P. L. CXIX, col. 1010). The Pope would have a criminal condemned on the evidence of three witnesses, and released if he cannot be convicted and swears his innocence on the Gospels. This doctrine of Nicholas I marks the progress of the Church from pagan darkness. The ancient world was habituated to the idea of torture and deemed it a necessary evil inseparable from judicial proceedings. Thus Augustine could not but groan at the miscry of human justice: " When the judge puts the accused to the question that he may not unwittingly put an innocent man to death, the result of this lamentable ignorance is that the very person whom he tortured that he might not condemn him if innocent, is condemned to death both tortured and innocent . . . and so he has both tortured an innocent man to discover his innocence, and has put him to death without discovering it. If society is plunged in such darkness will a wise judge take his scat on the bench or no? Beyond question, he will. For human society, which he thinks it a weakness to abandon, will hold him to his duty . . . for the wise judge does these things, not with any intention of doing barm, but because his ignorance compels him, and because human society claims him as a judge. But though we therefore acquit the judge of malice, wc must none the less condemn human life as miserable *' ***(De Civitate Dei,*** lib. XIX, cap. vi).

The pagan spirit however made war on her. It was not dead everywhere. It struggled up once more to the light, penetrating into custom; it invaded secular, and even spiritual institutions. It was thus that the ordeal, accredited among the Germans, found its way gradually into the civil tribunals, and even into many of the local ecclesiastical tribunals.[1] The punishment of burning, also in favour in German lands, was first inflicted on the heretics at the hands of excited crowds before it was legalised by Frederick II;* and when the Popes approved the measures taken by this Empcror against heresy, what they found themselves approving in practice was death at the stake. Torture had been condemned by the Church, but under the influence of the legists and the old Roman law it invaded the civil tribunals at the very moment when the Popes had got the upper hand of the ordeals. It was inflicted first on thieves and then on brigands. Then, with Innocent IV, the Popes ended by ratifying its use by the secular arm against the heretics.[1]

More generally speaking, it is the barbarity of all the penal codes and customs of the epoch that sickens us. The state of things may perhaps be well enough summed up by saying that the judicial machinery' in its entirety, though it was on the whole more useful than harmful, was nevertheless vitiated first of all in the civil tribunals, and then eventually in the ecclesiastical tribunals by practices too cruel not to be unjust, inhuman, and truly lamentable.

[1] The Popes not only refused to have anything to do with it themselves, but sought to rid the ecclesiastical tribunals of it, and finally and effectually condemned it (A. Michel, " Ordalies", *Diet. de thiol. calh.,* vol. XI, pt. I, col. 1147).

[1] E. Vacandard, *L'Inquisition,* pp. 76 and 129. Was execution at the stake, as actually practised, any more cruel than other executions? The condemned did not " mount " the pile, he was surrounded by it, and, we are assured, " the quantity of combustibles generally used ensured a rapid death by suffocation " (Léon-E. Halkin, u La cruauté des supplices de ГAncien Régime ", *Revue catholique des idles et des faits,* 23rd April 1937, pp. 14 and 15).

' The twenty-fifth law of the Bull *Ad Extirpanda* of 15th May 1252, for Lombardy, Romagna and the March of Treviso, stipulates that the secular power is bound to force the heretics, short of mutilation and danger of death, to denounce their accomplices, as is the custom with thieves and brigands *(Builarium Romanum,* Turin 1858, vol. III, p. 556). As to torture, Vacandard gives some details in his book on the Inquisition: (1) It had to stop short of mutilation and death, p. 179; (2) it must not last for more than half an hour, p. 185; (3) confession under torture had no legal value; only one that followed was to count; (4) it was not to be inflicted at all unless the accused was under grave suspicion: to apply it without due consideration was held to be iniquitous and against the laws of God and man, p. 184; (5) Clement V, at the Council of Vienne, 1311-1312, required that before heretics could be sent for torture *(tormentis exponere illos),* there should be agreement between the Inquisitor and the diocesan bishop, p. 186; (6) lastly, " the canons of the Church forbade clerics to take part in these executions, so that the Inquisitor who, out of morbid curiosity or even for some laudable motive, should enter the torture chamber with the victim, contracted an irregularity from which he had to be released before he could resume his functions. The tribunals undoubtedly grumbled at the complications caused by this division of labour in interrogating the accused ... On the 27th April 1260, Alexander IV gave the Inquisitors and their *socii* the power to release each other from all irregularities incurred. This was held to amount to authorisation to take part in interrogations conducted by violent means, and the Inquisitors no longer hesitated to appear in the torture chamber " (pp. 183-184). But Vacandard is wrong when he writes (p. 187) that torture " was administered by the tribunal of the Inquisition".

c. Judgment on the Use of Torture

Is our judgment on torture to be similar to that on the punishment of death? Clearly not, if the punishment of death is legitimate and if we hold, with Pope Nicholas I, that torture cannot be justified under any law human or divine.

How then should the Church historian estimate the conduct of those Popes who approved the action of the secular power in using torture to force heretics to denounce their accomplices? Two judgments are possible.

An attentive study of the period will do one of two things. Either it will reveal that the employment of torture by the civil tribunals (whether inflicted on ordinary' criminals or on heretics is all one, since heresy was considered in the Middle Ages as a crime against the State) had penetrated so deeply into customary procedure, had become so "natural", that it was practically impossible to call on the secular arm yet pretend to forbid its use. A true prudence (not that of the flesh) might then counsel a provisional tolerance of torture as of a lesser evil (as slavery had once been tolerated, as God Himself had tolerated polygamy in the Old Law), so as to leave the way clear for other and more urgent tasks; but without abandoning hope of a better regime in which to work effectually for its extirpation from judicial customs and penal codes. In that case the historian will certainly condemn torture, but he will not condemn the Popes who attempted to put the secular judicial and penal machine into action against the heretics before they could hope to make it less barbarous. "Every prudent man tolerates a lesser evil for fear of preventing a greater good."[1]

Alternatively an attentive study of the facts will reveal that torture, instead of being tolerated as an inevitable evil, was approved and maintained at an epoch when it could, and therefore ought to have been, abolished. In this case the historian will be bound to condemn those who maintained it and to denounce a concession made to the powers of evil for which they alone should bear the responsibility before history, before the Church, and before God, who themselves acted violently and inhumanly, who sinned by weakness and lacked the energy to combat the spirit of cruelty around them, or perhaps simply lacked the perspicacity to discern the needs of their time and the immediate tasks to which they should have turned their hands.

Thus then the strictest theology of the Church leaves the historian a complete liberty of judgment in this matter.[2] It will ask him simply not to

1 St. Thomas, *De Veritate,* q. 5, a. 4, ad 4.

2 How can the historian speak without reservations of the Bull *Cum Adversus* of Innocent IV, 31st October 1243, approving the constitution *Commissi Nobis* of Frederick II, in which it is said that the sons of heretics shall escape the punishments provided by the law even against them—deprivation of goods, refusal of public offices and honours—if they denounce the secret heresy of their own father? (*Bullarium Romanum,* Turin 1858, vol. III, p. 505.) Or, in another domain, the measure of St. Pius V—otherwise so worthy of our admiration—forbidding physicians to go on visiting the sick who should not have confessed themselves within three days or were not in a position to present a certificate of confession? (ibid., 1862, vol. VII, p. 430.) It is impossible not to notice a progress in ecclesiastical penal legislation in humanity and respect for the human person, when these ancient laws are compared with our *Codex Juris Canonici* declaring that the faithful

attribute to the Church, but rather to our human misery, everything clearly erroneous and reprehensible uncovered by his researches.

C. Summary

It is impossible to speak of the coercive power of the Church, to call up the history' of its exercise, without a sense of depression. It could scarcely be otherwise. In raising this problem we have brought ourselves face to face with a form of evil that cannot but prove disturbing and oppressive even when it seems just and necessary—the evil of punishment, *malum poenae.* We cannot help feeling it. But if we see the *malum poenae* as a stain on the holiness of the Church, then we must sec the holiness of God as stained with it too.

1. COERCION IN HELL

One cannot read without a shudder the tremendous condemnations of the Gospel passed on those who, on the last day, shall be thrown into the furnace of fire and devoted to eternal torment. But the evil lies not in God, but in the perversity of wills in revolt; on the one hand against the infinite and eternal holiness of God Himself, and on the other against the finite holiness of the order of the universe. The supreme punishments, therefore, cast no shadow on the divine holiness; this we know by divine faith. And yet this certitude cannot quieten our hearts in this world. Only in the direct vision of the divine essence will the problem of the final obduracy of the damned, and the correlative problem of eternal punishment, become intrinsically clear in the sight of men and of angels.

2. SPIRITUAL COERCION IN TIME

Making all due allowances and modifications we may recognize an analogous mystery' in ecclesiastical penalties. Here again wc stand in the presence of a divine order, an order of love which, because it is never to disappear, tends to overcome and repress all adverse influences. The jurisdictional power founded by Christ has for its first mission the announcing of the good news of the Gospel (declaratory' power), and for its secondary mission the effectual organizing of the conduct of those who welcome this good news (canonical power). And the Kingdom of God in its wholeness, that is to say the divine order resulting from the descent of the Holy Trinity into history and from Its habitation among men, cannot, in virtue of a divine intention expressly signified in the Gospel, find its final perfection, its perfect realization, save by the integral functioning of the jurisidictional power, involving first a genuinely legislative power (whose essential and general decisions are rati-

should avoid social relations with the excommunicated *vitandi,* [4] at any rate when there is no question of spouses, parents, children, servants, inferiors, or more generally unless these relations are justified by some reasonable cause" (Can. 2267).

fied in heaven), and in consequence a judicial and coercive power. When therefore those who have given their hearts to the Church begin to revolt against her laws, she is entitled to act against them and inflict penalties.

These penalties, alway spiritual if you look to the power that decrees them and the end that justifies them, will be, in their immediate and intrinsic tenor, either directly spiritual—as excommunication, expressly provided for in Scripture—or else temporal, material. To deny this last point—to deny that the Church can decree, subject of course to the demands of prudence according to time, place and circumstance, penalties that touch her subjects in the goods of fortune, in the goods of the body, in the use of liberty —would be to deny her power—always exercised of course, for spiritual ends —over the whole man ; it would be to deny her all power to descend into the realities of practical life, thereby limiting not only her coercive power but even her judicial and legislative power; lastly, it would be gravely to misconceive her spiritual nature, for while this certainly forbids her to use temporal things in the manner of, and for the ends of, the State, it does not forbid but rather requires her to make use of them according to her own spiritual laws and for her own spiritual ends.

There are here two errors to be avoided : that which denies the Church's right to dispose of temporal things, contesting her character as a perfect and autonomous society, a kingdom effectively organized to exist *in* this world; and that which grants her the power of disposing of temporal things in the manner of and for the ends of the State; making her a kingdom *of* this world. If the jurisdictional power is divine, assisted—in a measure which I shall try to determine further on—even in its legislative, judiciary and coercive exercise, here, as before, we are in the presence of the most mysterious form of the *malum poenae,* since by man's revolt the tilings that should bring him highest deliverance bring him only oppression from without and affliction from within.

The exercise of the coercive power, moreover, even when just, prudent and generally irreproachable, even when confined to intrinsically spiritual penalties such as excommunication, runs the risk of irritating instead of amending the delinquent, and may thus occasion, indirectly, and on account of his own lack of virtue, an aggravation of the *malum culpae,* the evil of guilt. Finally, while every judgment immediately pronounced by God is infallible, it is certain that the exercise of the coercive power is divinely guaranteed only in a general way, for the general tendency of its decisions, but not for each particular case; so that these, through judicial error or the influence of passion, may sometimes be unjust. And the possibility of the least injustice in spiritual matters is a thing too terrible to contemplate, although wc know perfectly well that properly speaking it is not the Church that is to be blamed, but the ignorance or sin of her ministers.

The penalties which the Church inflicts with her own hands, are, when considered intrinsically, spiritual and temporal. Among intrinsically spiritual or moral penalties we find, for example, deprivation of the sacraments, of the

sacramcntals, of ecclesiastical suffrages, of ecclesiastical burial, degradation, and so on. The intrinsically temporal or physical penalties are more variable. The Code actually mentions punishments touching external goods—fines[1], deprivation of pensions[2], of benefices[3], obligation to alsmgiving[4]; touching bodily goods—fasts, pilgrimages[5]; and touching freedom—obligation or interdiction of residence in a given place[6], obligation to make a retreat in a monaster}·[7], surveillance[8]. The older usage of the Church provided for heavier penalties: imprisonment, beating (e.g., in the Rule of St. Benedict). It is to be noted on the one hand that the intrinsically temporal and physical punishments inflicted by the Church herself, appeared only in a rudimentary state to begin with, when the canonical powers had not had time to develop; and that, on the other, these same penalties became milder with the development of the spirit of humanity, which is among the fine flowers of Christian charity as manifest on the plane of human culture. The sacramental penances themselves were formerly much heavier. As I have pointed out, the present Code, without forgetting the grave recommendations of the Gospel (Matt, xviii. 17), of St. Paul (i Cor. v. 2), and of St. John (2 John, 10-11), is nevertheless careful to respect the human ties that may unite the faithful with one excommunicated, even *vitandus.*

3. RECOURSE TO THE SECULAR ARM

Below the Kingdom of Heaven there are the kingdoms of this world; below the Church whose immediate ends are spiritual, there is a social order whose immediate ends are temporal. The Church is founded on grace; she confers those gifts that make us fellow citizens with the saints, members of Christ, the domestics of God; the social order is founded on nature, and confers the goods of civilization and culture. An abyss separates these two planes. The concepts of order, society, organism, happiness, justice, legislative, judiciary and coercive power, are applicable to both; not, however, in an identical sense, but analogically, in a sense essentially different though proportionally similar. Even when the temporal order opens itself, as it should, to the influence of Christianity, and tends to become a Christian temporal order, its own plane will never be that of Christianity, and its means of coercion will never be those of Christianity.

How are we to explain the attitude of the Church when, in circumstances which need careful definition she has decided to call on the secular arm, on temporal powers of coercion? Such an attitude could take two forms.

The intention of the Church in the first case would be *to extend the field, in itself very narrow, of the temporal or physical punishments at her disposal.* She would ask the State to lend her, to place in her hands for the time being, some of its own numerous means of physical coercion; so that she could turn

[1] Can. 2291, §12.
[2] ibid., §7.
[3] Can. 2298, §6.
[4] Can. 2313, §4.
[5] Can. 2313, §§2 and 3.
[6] Can. 2298, §8.
[7] Can. 2313, §5.
[8] Can. 2311.

them first to directly spiritual ends (the formal motive of the intervention), while the State, for its part, would reap its own temporal advantage (the absolute condition of the intervention). Suppose for example that the Church invokes the secular arm to put a stop to scandals and punish delinquencies proscribed by the divine law, but tolerated by the less exigent civil law. Then the secular arm would be functioning as an instrument of the Church. The responsibility for the consequences would fall on the Church (though, strictly speaking, no stain could ever affect her). But the Church would have tried at the same time to overrule the State's coercive action, to set her own limits to it, to assimilate it to the spirituality of her own law. She would require moderation; she \would forbid recourse to the death penalty and to bloodshed. If she called on the secular arm to chastise crimes particularly baneful and scandalous in a society composed exclusively of Christians, in which the average level of collective morality could be placed sufficiently high, the holiness of the Church would then be shown in her care to spiritualize the temporal penalties she borrowed from the State, a care that clearly appears for example in St. Augustine's recommendations to the tribune Marcellinus. An historian who wishes to deal with these appeals to the secular arm that went to augment the number of ecclesiastical penalties, ought to distinguish three great periods: in the first, the State was not yet Christian and there could be no question of the Church borrowing its means of coercion; in the second, medieval period, the State, conceived as exclusively composed of Christians, could, without losing sight of its temporal vocation, lend the Church certain means of coercion which, for her part, she found it good *hic et nunc* to borrow for the better fulfilment of her spiritual mission; in the third, the State, even Christian, even Catholic, but no longer conceivable as composed essentially and exclusively of children of the Church, cannot, by its own constitution, put its coercive power at the disposal of the Church.[1]

In the second case the Church's intention would be *to remind the Stale of the obligations of her temporal mission and of her duty to watch over the public safety* (the formal motive and direct end of the intervention), whose ruin, in the given circumstances of place and time, would imperil the salvation of many souls (the safeguarding of which would be the remote end of the intervention). We have already seen the principles involved in this sort of intervention (supra, pp. 250 and 274).

4. THE WAY OF THE CHURCH AND THE WAY OF THE STATE

The historian will often have difficulty in recognizing the nature of the Church's interventions. Is she borrowing means of coercion from the State? Is she simply recalling the State to its duty in defence of a gravely menaced

[1] At any rate not by acts affecting the whole body of citizens as in the Middle Ages. A State of the pluralist type could be conceived as offering the Church her sen-ices to assure the execution of directly ecclesiastical ordinances concerning, not all the citizens indiscriminately, but those only who were Catholics.

temporal common good? The difficulty of deciding will be so much the greater inasmuch as these two kinds of intervention seem at times to be mixed up. Certain great enterprises began in one manner and ended in the other, the dead weight of matter making them slip insensibly from the spiritual style proper to the Church to the temporal style proper to the State. It was thus that the medieval Inquisitors continued to make use of a formula of condemnation in which the secular arm was "'efficaciously" recommended to avoid spilling blood and inflicting the punishment of death, when everything, including the very inefficacy of this recommendation, showed that at this period the repression of heresy had become a directly temporal affair. It was thus that at the time of the Crusades, certain pilgrimages, begun in the spiritual mode, ended up in the temporal.

If we confuse these two types of intervention on the part of the Church, and see their distinction as just another piece of intellectual by-play or a worthless subtlety, we shall fall into misconceptions impossible to remedy. We may then be led to saddle the Church with the responsibility for enterprises required by her, certainly, but to be conducted under the responsibility of the State and in the temporal manner of the State. We shall tend to forget the gulf that separates a Christian temporal order, however perfect, from a Christian spiritual order; the Christian States from Christianity; the ways of the kingdoms of this world from those of the Kingdom of Heaven. And then they will be right who, considering the medieval repression of heresy, reproach the Church for having stained her native purity, and having replaced evangelical means by political means, with having confused the Kingdom of Christ with the kingdoms of this world.

But however much intermingled in practice these two modes of intervention may be, they cannot be identified by the theologian. One of them may merge insensibly into the other as time goes on, and may often disguise itself under the same juridical formulas and within the same continuous web of history; we may hesitate to fix the precise point at which one replaces the other; each keeps its own character nevertheless, and is not to be reduced to the other. And it is this character that decides what has to be attributed to the Church or to the State, to God or to Caesar, in all the tangled complexities and variations of these appeals to the secular arm.

5. THE TWO REGIMES, CONSECRATIONAL AND SECULAR

The political conditions required to justify the Church in calling on the secular arm for the repression of heresy suppose the existence of a temporal community essentially composed of Christian citizens alone. That is the first form of Christian State ever effectively contemplated. It was not destined to last for ever.

The state of things has changed. The Church, which is divine, has retained her unity. But her children are no longer temporally gathered up into one country, or indeed into one culture. Within each country, within each culture, they find themselves closely united for the needs of temporal life

with men of other religions, men who do not belong to the Church, not visibly at any rate. To make up for it, their numbers have grown and they are spread over the whole earth. Heresy therefore has ceased to be, as such, a crime against the security, the very existence, of the State. The political conditions of the Middle Ages have passed away, and along with them the legitimacy of any recourse to the secular arm for the repression of heresy.

Between those times when recourse to the secular arm seemed to be necessary' and legitimate, and those in which it had clearly ceased to be so, there was a lengthy period in which its legitimacy and usefulness might seem less evident, even disputable; sometimes and in some places it seemed to be opportune and in others not. Under such circumstances the question of how the canonical power is to behave, of the attitude it is to adopt, becomes a question of jurisprudence. If the assistance of the Holy Spirit extends to tins domain it does so only in a very general manner. Errors and faults are not hard to find; and if one may judge the past in the light of the present one may think that it would have been better perhaps to come to an earlier resolution to limit tire use of coercive means, especially intrinsically temporal means, and to have given all the preference to those of charity and persuasion.

"Men like Gandhi have given an example of what a technique of non-violence, inspired by an advanced spirituality, can achieve even on the temporal plane. It is for us Christians to revive a truly authentic part of our heritage and learn how at once to protect the holiness of the Church and save the souls of our separated brethren, in an attitude toward them which is at once firm and charitable."[1]

6. TORTURE

It is certain, as Pope Nicholas I taught, that torture is contrary to the laws of God and man. It is certain on the other hand that later on it found entrance into medieval practice under the combined influence of paganism and the old Roman law. How then are we to judge the conduct of a Pope like Innocent IV who, finding it in use against thieves and brigands, notified the civil tribunals that they ought to apply it against heretics because they were politically more dangerous?

There can be no question of justifying the use of torture. Nor is it sufficient to note that it was no sad monopoly of the Middle Ages, and that modem coercive institutions, under the influence of the sadistically inclined, have invented new forms of torture, often more subtle but certainly no less repulsive. All that can be said is that either torture had then become so common that it would have been practically impossible to forbid it to secular tribunals in the very act of asking their aid, and that it was therefore tolerated as a lesser evil; or that it could then, and consequently ought then, to have been abolished. In this case the responsibility for its use does not stop short at the State; it extends to the churchmen who failed in their mission and betrayed the ideal of the Church. It cannot in any case be laid on the Church

[1] A. M. Dubarle, O.P., " Faut-il brûler les hérétiques?", *Vie intellectuelle,* Jan. 1952, p. 5.

herself. The errors of the canonical power in purely particular decisions, due to the deficiencies of its ministers, do not touch her inner sanctity.

7. WHAT THE CHURCH APPROVES AS RIGHTEOUSNESS IN THE STATE ABLE TO BE DEFILEMENT FOR HERSELF

The Church has a doctrine on the coercive power applicable to herself as a Kingdom living in this world, though not of tliis world. This doctrine is righteous. She has another doctrine on the coercive power applicable to the kingdoms of this world. This doctrine too is righteous, but with another kind of righteousness.

What is duly proportioned to the Christian State may not be proportioned to Christianity itselfand to the Church; what is pure for temporal society is not necessarily so for the spiritual society, and the righteousness of the kingdoms of this world might be a stain on the Kingdom of Heaven. "You, who are an ecclesiastical ruler" said Cardinal Cajetan, "be careful first to rule conformably with the divine laws . . . You cannot, for the sake of the Church entrusted to you, be satisfied with this merely external order that leaves a secular ruler content . . . The Bride should be able to hear these words: *Thou artfair, O beloved!"*[1] We shall fall into grave error if we forget these things.

The coercive power of the Church is assisted in a general way and in respect of its exercise as a whole. It is not infallible in each particular case. Ignorance, error, sloth, cowardice, passion and injustice will all play a part there. For there are sinners in the Church and in the hierarchy, although in the Church there is no sin. The coercive power of the State, even the Christian State, is subject to even more defects. And what State, what temporal order, has ever been fully Christian?

If we bear these principles in mind we can look squarely at the problem of the Church's coercive power: wc can welcome all the facts unearthed by the historians, and we shall have no fear of seeing the Church's holiness effaced. She shines in the midst of evil like the sun in a mist.

3. THE HOLT IΓ.-1Λ *ASD THE CRUSADE*

The origins of the Crusades are usually sought in the Christian pilgrimages to the Holy Places, pilgrimages which, on account of the hostility of the Mussulmans, were transformed into organized military' expeditions. But, says Carl Erdmann, if you want to go to the root of the matter and understand the formation of the idea of the Crusade,[2] attention should first be fixed on the effort made by the medieval Church to moralise the use of arms, and turn them to ends she could approve of. Under the pontificate of Urban II, one of those ends was the conquest of the Holy Places, to which the Pope attached the same indulgences as to the pilgrimage to Jerusalem, so that it

[1] *In I-II,* q. 99, a. 3, no. 5.
[1] *Dii Entstehung des Kreuzzugsgedankens,* Stuttgart 1935.

thereby acquired the value of a pilgrimage, *cum armis Iherusalem peregrinati sunt.*[1] The idea of the Crusade is to be explained above all by the general attitude of the medieval Church to war; it crowns the elaboration of a Christian ethic of war.

I propose first to deal with the very ambiguous expression "holy war", then to study from a theological standpoint the gradual formation of the idea of a holy war, drawing on the assistance provided by Herr Erdmann's work. I shall recall something of the history of the Crusade itself, then the famous texts of St. Bernard on the two swords. The way will thus be cleared to appreciate the part played by the Papacy in the military work of the Crusade, and to disentangle its theology.

A. The Expression "Holy War"

We are told that the Middle Ages gradually elaborated the concept of the "holy war", a concept that was to come to maturity with the Crusades. Is this expression "holy war" a happy one? It looks slightly paradoxical in any case: "war" seems to envisage the taking of others' fives by violence, whereas "holiness", according to the Gospel, consists in giving one's own life for love of others—how are the two ideas to be united? To make matters worse many further misunderstandings can arise: for their own convenience or for lack of theological analysis, historians too often lump together under the name of "holy war" enterprises which wc shall have to take care to distinguish. It is unquestionable, on the other hand, that in the Middle Ages the Church tried, and with some success, to purify, to rehabilitate, to Christianize, this most astonishing—if not most disputable—and surely most secular of vocations: that of the soldier. She approved a certain use of arms. She even recommended it to the laity when grave dangers threatened Christendom, just as insistently as she forbade it to clerics. If then certain military enterprises especially encouraged by the Church are to be called "holy wars", the phrase is permissible, but on condition that it be first determined what precise part was played in the enterprise by the canonical, and what by the extra-canonical, powers of the clerics. It will then appear that "holy wars" are bound up with the existence or survival of a consccrational type of Christendom.

I. WAR, DIABOLIC AND DIVINE

Christianity's first revelation concerning death—echoing that of Genesis ii. ijand iii. 19—sets it forth as the fruit of sin: *per peccatum,* morr(Rom. v. 12). And Christianity's first glance at war was to be similar: war has its roots in sin. The formidable physical havoc it involves has its source in a hidden disorder still more terrible in the eyes of faith. It is the symptom of the interior and spiritual catastrophe of a people or of a civilization.

Here we have the explanation of the contradiction that appears in war

[1] ibid., p. 307, note 78.

according as we consider it in its source or in its consequences. Considering it in the sin that lies at its root, we shall call it free and voluntary, directly against nature, Satanic. But looking at its overwhelming effects on the world it will seem like a fatality, a law of nature, blind and irresistible, with all the air of being the outcome of a divine will. Diabolic or divine? It is both at once. It is diabolic, as is the sin whence it springs, and the great Pope, Nicholas I, could write to the Bulgarians in 866, in his famous *Responsa* which amount to a code of Christian politics: "The passions that produce war and batdes and the beginnings of all quarrels, are due without doubt to the fraudulent wiles of the deni, and only a man who is greedy for power, who is the slave of anger, envy or some other vice could seek for and rejoice in such things. Wherefore, save in cases of necessity, it would be well to abstain from fighting, not only in Lent but at all times."[1] And yet at bottom, Joseph de Maistre was not wrong in calling it divine, * and to consider it as a paradox so disconcerting that " there is no way of explaining how it is humanly possible the only tiling to be said is that the fundamental laws of creation, when transgressed, take terrible and mysterious revenges. From this standpoint war has all the aspect of a divine chastisement; it is divine in the sense in which hell is divine. Such abysses can only be opened up by the refusal of an infinite good.

2. WARS, JUST AND UNJUST: PEAGE STRONGER IN ITSELF THAN WAR

If it is always sin that causes wars, it can unleash them in two very different ways.

First by *inspiring* them, by informing them; and then they are unjust. The Scriptural malediction on murder, on all great offences against charity, hangs over them: "Depart from me, ye cursed, into everlasting fire."

Second, by *occasioning* them, by making them necessary, but without inspiring them or directing them. Then the war will be just,[3] a cruel necessity, legitimate violence opposing an illegitimate violence. It will remain a terrible thing, lamentable, a mark of opprobrium on mankind, for it presupposes sin somewhere.[4] But it will be waged without sin ; it will be morally good,[5] and it

[1] P.L. XC1X, col. 998.

[1] SrirZw *de Saini-Peter.bowξ, η.* I do not propose to justify the confusions of this chapter, but simply to disentangle the thread of truth.

[3] The concept of a just war does not necessarily coincide with that of a defensive war.

[4] " But, say they, the wise man will wage just wars. As if he would not all the rather lament the necessity of just wan if he remembers that he is a man; for if they were not just he would not wage them, and would so be delivered from all wars. For it is the wrong-doing of the opposing party which compels the wise man to wage just wars; and tills wrong-doing, even though it gives rise to no war, would still be a matter of grief to man because it is man's wrong-doing. Let everyone who thinks with pain on all these great evils, so horrible, so ruthless, acknow'ledge that this is misery. And if anyone either endures or thinks of them without mental pain, this is a more miserable plight still, for he diinks himself happy because he has lost human feeling " (Su Augustine, *De Cizitate Dei,* lib. XIX, cap. vii). | MMH

[5] Following St. Augustine, St. Thomas recalls die conditions for a just war: (t) it must aim at peace; so that a war, however just on other counts, would become absolutely illicit if waged only out of hate or ambition: (2) it must be undertaken for a just cause, for example to constrain a nation to repress great disorders or repair grave injustices; (3) it must be declared by the legitimate author-

may therefore become meritorious. When the injustice of the adversary puts arms into the hands of the just, then the just will fight with hearts torn by the injustice out of which the need for the war arose. In any event, every just war will aim at peace: in the Christian outlook peace, in itself, is a higher, nobler, *stronger* work than war; and love, in itself, is stronger than hate.1

rity; (4) on the manner in which a just war should be conducted St. Thomas notes that if it is permissible to use stratagems, that is to say to hide one's designs from the enemy, it is never right to lie and perjure oneself; he adds, following St. Ambrose, that there arc certain laws of war and that belligerents should keep treaties (II-II, q. 40, a. 1 and 3). After reading this specification for a just war wc might well ask how many wars have been wholly just. Probably they could be counted on the fingers of one hand. Wemight perhaps be tempted to say, with André Malraux, that " if there arc just wars, there arc no just armies". Let us say rather that "just wars" are tainted more often than not with frightful injustices and lies. When they really deserve to be called just, it is in virtue of the first impulse that continues in a way to keep them on the right lines. It is a question of the *dominant.* In connection with the second of St. Thomas' conditions, wc may note that modern war, " total " war, is a good deal more like those exterminations carried on by a Ghengis Khan or a Tamerlaine, than the wars the old theologians disputed about. It is so destructive, so pregnant with material, spiritual and moral miseries, that the defence of some point of honour or right is not enough to justify it. For that, it would need, as Gustave Thibon writes in *Études Carmlitaines,* 1939, pp. 63-7, to be "morally inevitable"—the Christian would have to be faced with a choice " between war, and the renunciation of his human nature " and of his status as a Cliristian citizen. As to the first theological condition, the same author shows how difficult its observance is. For the war of the future " will be waged for idols ", fought between ideologies all claiming to be absolute: " idols, for which men will die in pseudo-crusades, the issue of pseudo-religions, and the Christian will have to resist their seduction and refuse to prostitute his God to them. Too many impure voices cry to us already from the threshold of false temples: Christ is here, Christ is there." And war " will itself be an idol. An evil so atrocious and so universal, a course so straight to the abyss of nothingness, cannot be borne with unless it be erected into an absolute in hearts poisoned with hatred. Such a divinization of war will shake the two sacred bases of supernatural life in the soul of the Christian combatant: that Christian justice which judges no man, and that Christian love that goes out to all the world ... If war comes, the Christian will have to see to it that his desire to conquer goes hand in hand with an effort not to let himself be denaturalised—or rather, de-supematuraliscd—by war; he will have to keep his love while acting hate. It will not be easy: only saints will be fully capable of it."

These words, which have inevitably already dated to a certain extent, are surpassed in both precision and force by the Christmas Messages of His Holiness Pope Pius XII: " All have a duty ... which is to do everything possible to outlaw aggressive war as a legitimate solution of international disputes and the instrument of national aspirations " (1944); " The precept of peace is of divine law; its end is the protection of the good things of humanity as the good things of the Creator. Now, among these good things, some are so important for the *convivium* of men among themselves that the defence of them against unjust aggression is, without doubt, fully legitimate" (1948); " If humanity, conforming itself with the divine will, applies that sure means to security which is a perfect Christian order in this workI, then it will quickly sec the just war—even its very possibility—vanish away, for practical purposes, for the just war will no longer have any *raison d'ftre* as soon as the activity of the Society of Nations, as an authentic organism of peace, is guaranteed " (1951). See my own article La guerre et la paix selon renseignement de Pie XII ", *Nova et Vetera,* 1952, p. 15, and V. Ducatillon, O.P. Des lois de la guerre à la guerre sans loi ", *Vie Intellectuelle,* Dec. 1953, p. 5.

1 According to the old Germanic ideal, war is a vocation that is higher and nobler than peace. Erdmann considers that the entry into the Church of the Germanic peoples who, under (he cloak of Christianity, remained attached to the cult of heroes, to the glorification of vengeance, to the warlike ideal, impeded the progress of peaceful ideals in the West. The Germanic influence, he continues, showed itself positively by insistence on the warlike aspect of the cult of the Archangel Michael (Oriental in origin), and later, towards the end of the first millennium, by preparing the ideal of chivalry and the Crusades (op. cit., pp. 16–17). But is worth while to note that chivalry, as the Church understands it, may be a transfiguration ", but cannot in any case be a appearance ", a mere revival, of the pagan Germanic idea.

3. THE CHURCH'S FIRST AND SECOND ACTION

All this being so, the Church's action could find but two points of application. The first was to make every iniquitous war impossible.[1] And the second, when war became inevitable and the only liberty left was to choose on which side to fight, was to hinder men's choice of the unjust side. The feudal regime had multiplied armies: every lord was the head of a troop. Was he to fight for justice or for injustice, to be a brigand or a knight? It is clear enough why the great Cluniae reformers started the idea of a Christian chivalry.

4. "just" wars and "holy" wars

Like all temporal activities that are morally legitimate, just wars may, as such, receive the approbation of the Church. However, they will not all receive it on the same grounds, or with the same insistence. In this respect we may divide wars into two great categories.

I. Under the first come all just wars for which temporal princes take the responsibility:

a. Those in which they simply defend their own legitimate temporal interests. If they are truly just, or at least have all the appearance of justice—for error is unfortunately always possible here—they can receive canonical approbation; they can, like every morally legitimate temporal enterprise, and without diminution of their essential temporal and secular character, be touched by a ray of spirituality. That will suffice to invest them with a kind of consecration, enough to justify, if you like, the title of Christian war, as one speaks of Christian economics or Christian politics; always on condition that the necessary reservations are made, for a war, even when just, brings terrible sins in its train.

It matters little, for the rest, how this Christian consecration or colouring is proclaimed. The prince, for example, can himself protest his Christian intentions, unite his cause with that of the Church, appeal to the Christianity of his subjects to persuade them to follow him. Or again, he can raise the standard of the saints, or the sign of the cross: the Bulgarians, who in their wars carried a horse's tail for ensign, asked Pope Nicholas I by what it should be replaced. "By what indeed," he replied, "if not by the sign of the Holy Cross?"[2] Did he, on that account, accept the responsibility for these wars? Obviously not! Or again, the Pope may give his benediction, may order prayers or thanksgivings for the success of wars which he considers just or which are represented to him as such: he blessed Charlemagne's war

[1] By a fatal contradiction, the organization of the "peace of God" at the end of the tenth century, because carried out not on the spiritual plane alone but on the temporal plane of the consecrational political order, ended in an organization of war when arms had to be taken up against those who refused to lay them down (cf. Erdmann, op. cit., p. 56). A striking instance of the law that the sword calls up the sword.

[1] P.L., XC1X, 992. There was mistrust in the West of the idolatrous implications of the Slav or Germanic ensigns.

against the Saxons,[1] and sent a standard to William the Conqueror, which was raised at the battle of Hastings.

Supposing that these wars were just and conformed in all essentials with the requirements of Christian doctrine, are we to call them holy wars? No. They were in reality wars waged for the defence of secular interests, and had no *immediate* relation with spiritual things.

b. Furthermore, in a consecrational regime, the temporal princes ought, on their own responsibility—whether they act spontaneously, or are called to their duty by the canonical power—to draw the sword in defence of their Christian subjects against those who attack them in their Christian faith or life—against those, for example, who propagate heresy or infidelity: for in a consecrational regime it is a crime under the common law like theft or murder. Such wars may be encouraged and approved by the Church more strongly than those before mentioned. Their end is the defence of spiritual values, in so far, of course, as these values have taken their place with other political values of the consecrational city.[2]

In this first category are those wars •which have been undertaken by bishops, whether as secular princes, charged with a regular temporal administration, or as supplying, on occasion, for defaulting secular power.

2. In the second category come three types of wars—taking it for granted always that they are just:[3]

a. Those for which the Pope takes the responsibility, acting as head of the States of the Church. These are essentially political wars. But seeing that the Pontifical State is then guaranteeing the independence of the supreme apostolic power, these wars become charged with spiritual significance. They can the more easily be called Christian. Such were the wars of the Pope against the first Saracens who came up the Tiber to subjugate the Roman territory.

b. Those for which the Pope takes the responsibility, acting as protector of a consecrational Christendom. They are still political wars, but directed to the defence of the political order inasmuch as it is consecrational, inasmuch as it requires visible membership of the Church from all its citizens. Hence these wars also take on a Christian and spiritual character. Such were the wars directed against the Mussulman invasion, which came to the fore in the reign of Urban II, and were called by historians such as Ranke, and later Erdmann, the "popular Crusade".

c. Between these two types of war, the one waged for the independence of

[1] Their full incorporation into the Frankish State was made possible only by their conversion to Christianity', which is why, in flat defiance of the Church's constant teaching, Charlemagne forced Baptism on them. The Slavs of the Elbe were spared this violence and brought into a pluralist political order.

[1] Even in a secular regime a State can (and ought to) fight to defend liberty to preach and accept the Gospel on its own territory; for this liberty is a temporal good, even the highest temporal good.

• " Although the Pope can encourage a war, it is not enough for him to declare a war to make it just: for the person holding the Papacy may be unjust, subject to ambition, vengeance and other evil passions " (Cajetan, *In II-IIt* q. 40, a. 2, no. 11).

the Pontifical State, the other for the independence of Christendom, there is room for a transitional type. When the armies of a prince who has been excommunicated as heretic or schismatic, march on Rome to set up an anti-pope, it is not merely the civil principale of the Pope that is endangered, but the fate of all Christendom. The Pope may recruit his military forces not only as Prince of the States of the Church, but also as protector of Christendom; for under a consecrational regime it is the very basis of political order, the constitution of Christendom, that schism and heresy imperil. Consider, for example, the wars of Gregory' VII against King Henry', wars which the historians I have mentioned called the " hierarchic Crusade ", and which they consider to have opened the way to the ‘‘popular Crusade

Thus we have three ty'pes of wars: those waged for the defence of the Pontifical State, those waged for the defence of Christendom against its internal enemies such as heretics and schismatics, and those waged for its defence against external enemies, such as Islam. These three sorts of wars stand in strong contrast with other just wars by reason of the very special relationship they bear to spiritual things. And, if we grant that the expression ‘‘holy war”—which is not to be found in St. Thomas—is capable of any acceptable meaning, it is here that it should be used. One may very well say, for example, with H. Pissard,[1] that holy wars are just wars which the Church not only encourages but also rewards with her spiritual favours. But this is not to say that they are undertaken and directed by the Church, that is to say by the canonical power of the Church: they arc undertaken and directed by the extra-canonical power of the Pope acting as head of the Pontifical State or as protector of Christendom.

5. THE CHURCH, AS SUCH, DOES NOT MAKE WAR

There is no room, in my opinion, for any third category of war; for wars, that is, for which the mediate or immediate responsibility would fall on the Church as such, on the canonical power bequeathed by Christ to His Apostles. So understood, the ‘‘holy war” has become a pure contradiction ever since the introduction of the law of the Gospel.

It would speedily open the way for the old ideas of conversion by constraint, armed mission, forced Baptism—ideas that haunted the imagination

[1] *La guerre sainte*, p. iv. cf. p. 40: " The *holy war* thus appears as a new means added to interdict, release of vassals, and outlawry, for thé execution of canonical sentences against over-powerful heretics when the suzerain cannot or will not lend the help of his sword. The Church puts herself in his place, addresses herself directly to Christians without intermediary, and herself carries out the function normally devolving on the secular arm. Such is the pure crusade, the theory of which was fully realized between 1208 and 1214 (against the Albigenses): it was a war directed by the Church, that is to say by the Pope and his immediate subordinates: it was not waged by the army of any particular king, but the Christian army: *Exercitus cnccesignatorum,* say the old Chronicles." The *interdict* is a purely canonical punishment. *Release of vassals* and *outlawry* arc juridical punishments which, in a consecrational political order, result by way of consequence from excommunication for schism or heresy. As to the war against the heretics, it cannot pass for an " execution of canonical sentence ", and the Pope cannot in any way take the responsibility for it *by reason of his canonical pourer.*

of many men of action, and even theologians; but rejected by the Church as such, and not to be imputed to her without injustice.

If it is clear that the Church does not countenance conversion by force, can she at least, and as the Church, as the Body of Christ, take up arms when attacked, and defend her spiritual treasures as the kingdoms of this world defend their material treasures? St. Augustine did not think so; neither the practice nor the authentic doctrines of the Church compel us to think so; and the words of Our Lord who would not have the sword drawn in defence of His Kingdom, can be received in their plain sense by Catholic theology.1

. *"Suavijugo tuo dominare, Domine, in medio inimicorum tuorum"*2

B. The Formation of an Ethic of the Holy War

I. the new testament

"Love not the world, nor the things which are in the world," for all that is in the world is " the concupiscence of the flesh, and the concupiscence of the eyes, and the pride of life"; "the whole world lies in the power of evil"; but "the world passcth away and the concupiscence thereof" (i John ii. 15-17; v. 19). If concupiscence and sin lie at the roots of every war, then every war is condemned in its roots by these words, in which the last surviving Apostle recalls the essential Christian attitude to the world and to life. That is too clear to need comment.

But not all these wars, as I have said, are necessarily inspired by concupiscence and sin. There are just wars. Are they mentioned in the Gospel? It is silent enough as a general rule on the value of temporal and cultural activities. Does it speak of the just war?

Christ says enough about it to let us know that we are not to draw the sword to defend either Himself (Matt. xxvi. 52; John xviii. 11) or His Kingdom (John xviii. 36).

But resort to the sword in temporal causes is not forbidden. Temporal justice, in the first place, may employ it, as St. Paul expressly says to the Romans (xiii. 4). And as for war, St. Augustine was to write that if it were always culpable no matter what the circumstances, John the Baptist would

1 At the head of Question 3 of Cause 23 of the *Deaetumi* Gratian seeks to establish by a series of scriptural testimonies, that the Church should not resort to arms to repel injustice: " When the Lord was pursued by Herod, who wanted to kill Him, He did not seek the protection of arms, even though by a secret prompting He could have stirred up the Jews against the King; but He fled into Egypt and remained hidden there for seven years. Later, when the Jews would have stoned Him, He disappeared and left the Temple. Later still, when they led Him to torture, He did not seek to excite the crowd against the Elders of the Jews—this crowd that so lately had welcomed Him with palms and praise. Questioned by Pilate as to whether He was King, He answered: Λ/y *Kingdom is not of this world: if it were so my sériants would certainly strict that I might not be delivered to the fcivs·,* showing thereby that it is only those who pertain to die kingdoms of this world who count on help from human rather than divine power for defence against injustice. So also when He told His disciples: *If they persecute you in one city, fly into anotheri* He showed that we should not reply to arms by arms, but to persecutions by flight . . .

2 First Vespers of the Feast of the Sacred Heart.

not have been able to recommend the soldiers who consulted him about their salvation to be content with their pay (Luke iii. 14), and Jesus, having praised the faith of the Centurion (Matt. viii. 10), would not have failed to ask him to abandon the army.[1]

The use of the sword is thus both forbidden and authorized in the New Testament. In later centuries this was to lead to contradictor}' interpretations. There is really no contradiction: the sword is forbidden on the spiritual plane, and authorized on the temporal plane.

2. ST. AUGUSTINE AND ST. GREGORY

It has been said that St. Augustine and St. Gregory', the first speaking of heretics, the second of pagans, brought to light in the West those principles which, having been obscured for several centuries, were to be used to justify the two forms of holy war, the Crusade of Gregory VII against the heretics and that of Urban II against the Mussulmans.[2] What exactly was die thought of these two Doctors?

I. St. Augustine sets out to justify those wars which the Old Testament represents as undertaken at God's command. In his *Quaestiones in Hepta-leuchum,*[3] speaking of the capture of Haï by Josue (Josue viii), he recalls first that those who have the right to take up arms (a right not held by all) can do so only for a just cause; then, having defined a just war, he adds: "But those wars also are just, without doubt, which are ordained by God Himself, in whom is no iniquity, and who knows every man's merits. The leader of the army in such wars, or the people itself, are not so much the authors of the war as the instrument [non *tam auctor belli quam minister].*" In the *De Civitate Dei*[1] he declares that God Himself has made exceptions to the *non occides:* "They did not impugn this precept who made war at God's command *[Deo auctore],* or who, representing public justice and in conformity with His laws, have put criminals to death." That is why we are able to applaud the conduct of Abraham, question Jephta's, and excuse Samson's. "With these exceptions, then, which arc justified either by a just law, or by a special intimation from God, the fountain of all justice, whoever kills either himself or another is guilty of murder." There are just slayings at all times, and in the Old Testament there are wars having God for author. So says St. Augustine.

He recalls, on the other hand, the Church's right to resort to the secular arm, notably against heretics.

[1] *Contra Faustum,* lib. XXII, cap. Ixxiv, We may cite Soloviev's commentary on the story of the conversion of Cornelius (Acts x) directed against Tolstoi's theses: " What is still more remarkable about this typical story* is *ichat is notfound there.* Neither the angel of God, nor Peter the Apostle of the peace of Christ, nor the voice of the Holy Spirit Himself suddenly revealed in the new catechumens, says to the Centurion of the Italian cohort what, according to the recent interpretation of Christianity, would have been the most important and immediately necessary thing to say: they do not tell him that, becoming Christian, he ought, *before all else,* to lay down his arms and terminate his military service on the spot . . *{The Justification of the Good,* p. 441).

[3] Erdmann, op. cit., pp. &-10.

[1] Lib. VI, cap x.

[1] Lib. I, cap. xxi.

Arc wc then to conclude, as Erdmann does,[1] that St. Augustine raised the repression of the Donatists by the Emperor Honorius to the rank of a holy war, of which God Himself would be the author and the soldiers His instruments? But Augustine constantly protests against the capital punishment meted out to the heretics, even when they were known to be guilty of murder; he fears lest the blood of the enemies of the Church should throw a stain on the Church's honour.[2] How then can it be supposed that in the slayings of the Donatists he sees a war like those of the Old Testament with God Himself for author?

In point of fact, "it was not as mandatories of the Church but in virtue of their own sovereign power that the Emperors dealt harshly with the heretics Honorius did not wait for the delegation of the African bishops to issue his edict against the Donatists in 405, nor for Augustine's assent to proceed to the infliction of the punishment of death in 409? However, as the latter said, when the Emperor decrees the supreme penalty it remains open to the judges to soften the sentence.[5] Augustine certainly affirms the Emperor's right to act as a Christian prince, and to consider heresy as an offence against the common law;[8] to that extent wc already have the consecrational order of the Middle Ages. But he wishes that "Catholicism alone should prescribe the laws that protect its security, and that it should remain judge in each case of the need to ask the tribunals to apply these laws".[7] The secular arm would then function as a pure instrument of the Church, and that is why it ought to act mildly and never go so far as to shed blood.

2. St. Gregory's outlook on the matter is different. In connection with an expedition against the heretics who rise against the Catholic Church, corrupt the faith, and infect members of the Christian body with their venom, he urges Gennadius, Patrician and Exarch of Africa, to use force against them for the good of the Christian people, and to conduct these ecclesiastical battles valiantly like a warrior of the Lord [ecclesiastica praelia sicut bellatores Domini fortiter dimicatis]; he suggests the rc-cstablishment of the unity of the dismembered Churches and prays the Lord to grant him the victory.[8] Indubitably, there is here an appeal to the sword and to the use of the sword to defend the Christians against the turbulence of the heretics. It is already, if you like, a holy war. But Gennadius was not under the orders of Gregory. The expedition was undertaken in the name of the secular power. The Pope does not try to take the responsibility to himself. He intervenes to stir up the Exarch to defend the Church. If he speaks of "ecclesiastical" wars and "warriors of the Lord", wc need not take the phrases too literally.

1 op. cit., p. 7.
2 P. Batiffol, *Le catholicisme de saint Augustin,* pp. 344-335.
3 G. Schnurer, *Kirche und Kultur im Mittelalter,* 3rd ed., vol. i, p. 74.
4 P. Batiffol, op. cit., pp. 280 and 298.
s >bid., p. 334.
• ibid., pp. 288-289.
7 ibid., p. 282.
• *Epist.* LXXIV; P.L. LXXVTI, col. 528.

What was Gregory's attitude as regards the pagans? He writes to the same Gcnnadius to praise him for preparing himself for battle by prayer. He congratulates him on his victories which, by stopping the incursions of the Moors of Libya, and by widening the frontiers of an empire in which God is duly honoured, will enable the name of Christ to be spread abroad by the preaching of the faith.[1] There is here no question of attacking the pagans just because they are pagans; but of a war that is politically justified and one of whose fortunate consequences will be to introduce and favour Christian preaching among the heathen. The immediate aim of such a war is the subjugation of pagan populations, and this, as Gregory hopes, will condition a subsequent missionary activity under the protection of the State. Erdmann agrees. But I cannot agree with him when he speaks of a "Gregorian missionary war" or when he assures us that Gregory' took the perilous step that leads to armed missionary' aggression.[2]

The Kingdom of God cannot take the responsibility for defending itself in arms: that is the lesson of the New Testament. But the New Testament nowhere forbids the secular powers to defend the Kingdom of God, when unjustly attacked, by the ordinary means at their disposal; and on the hypothesis of a consecrational Christendom—bound to take measures against interference with spiritual values that have become fundamental political values—such defence becomes a duty to which the canonical power may, at need, recall them. Thus, from the Gospel to St. Augustine and to St. Gregory, we may undoubtedly observe a process of doctrinal explicitation, but no break.

3. THE OSCILLATIONS OF MEDIEVAL THOUGHT

Medieval thought on the relations between Christianity and war was dominated by two principles, both incontestable and yet opposed. They seem at first to be in active conflict, until the moment when one of them, gradually gaining ground, took possession, about the end of the first millennium, of the whole area to which it had any right in a consecrational regime.

The first of these principles is that war is always illicit for the kingdom of God, which must not resort to the sword. The second is that war can be licit for the kingdoms of this world, and is indeed inevitable in view of human perversity. Everywhere is combat, but here it is spiritual *(militia spiritualis)* and there carnal *{militia saecularis).* iWj

[1] *Epist.* LXXV ; ibid., col. 529.

[2] op. cit., p. 8. Speaking of what he calk the " Gregorian missionary war ", Erdmann notes that this idea suffers from an internal contradiction. Generally, it merely serves as a mask for a wholly secular war of conquest. It can degenerate sometimes into a religious war by imposing on the vanquished the alternative of Baptism or death, " a thing never approved by the Church save exceptionally, and one that never became an established doctrine." It is not surprising that the very idea of a missionary war met with no general acceptance at the beginning of the Middle Ages. " The ecclesiastical doctors very often, perhaps more often than not, supported the thesis that the moral obligation to keep the peace was equally bindirg on Christians and pagans. War against the latter could not pass for just if they were not aggrasors and persecutors of Christianity " (op. cit., p. 9). I do not see any evidence that Gregory thought otherwise.

These two principles arc clear, and it might seem easy to confine each within its proper concrete limits. In reality, the operation is delicate, for not only do the same men belong to both kingdoms, so that war is allowed them on one count and disallowed on the other, but in a consecrational regime certain spiritual values penetrate the structure of society and there take on a political significance and character and call for secular means of defence. Hence the uncertainties and fluctuations found in the medieval writers in connection with the conduct (a) of laymen, (6) of clerics, and (c) of the Sovereign Pontiff.

a. That the emperor, the king, the prince have the right in certain circumstances to declare war, is doubted by none. If the prince is Christian it is *as* a Christian (in a Christian manner) that he is to make war, and, more generally, it is as a Christian that he should perform all his temporal tasks; and so doing he may merit the Church's approval. It remains true, although this was not then made precise, that he makes war not *in his capacity as* a Christian, as a member of the Kingdom of God, but in his capacity as prince of an earthly kingdom.

Over the case of the soldier there is a certain hesitation. As a member of the Church he cannot shed blood, and yet that is what he has to do in virtue of his profession. Hence the curious custom attested by the penitentials, but disappearing as ideas became more precise, of imposing an ecclesiastical penance for killing anyone in battle, and correlatively of forbidding public penitents to bear arms and do military service.[1]

The shadow that still lay over the vocation of the soldier was dissipated by degrees. The weakening of the royal power and the formation of the feudal system obliged the Church, if she did not want to abandon the nobles to their own anarchy, not only to remind them of the general duties of a Christian, but also to indicate the ends for which it was permitted them, indeed commanded them, to fight. A Christian ethic of war in function of the consecrational regime began to develop. To the model of monastic sanctity and clerical sanctity, were added those of lay sanctity and knightly sanctity. But it was done with prudence. Odo of Cluny's hero, Gerard d'Aurillac—as also the Abbot of Fleury's, the English King, Edmund—triumphed without spilling blood.[2] It is true that, for a long time past, saints who had been soldiers had been proposed for the veneration of the faithful. But these had achieved sanctity on the fringes, so to speak, of the profession of arms, by martyrdom like St. Sebastian, St. Maurice and St. George, or by renouncing the soldiership of this world to enter that of God, like St. Martin.[3] We have to come down to Erlcmbald, the military leader of the Pataria of Milan, to reach the first knight in history' who was held to have achieved sanctity by the exercise of his profession. And already we come in sight of the "holy war", for Erlcmbald had received a mandate from the Pope to meet the violence of married and simoniacal clerics with violence.[4]

[1] Erdmann, op. cit., p. 14.
[2] ibid., pp. 78 and 28.
[3] ibid., pp. 11 and 258.
[4] ibid., pp. 127-129.

It was clear enough henceforth that even the vocation of arms could lead to sanctity. Even before the First Crusade the *Liber de Vita Christiana* of Bonizo of Sutri, which contains a code of obligations for knights, the first we possess, calls upon them to fight for the poor, for widows, for orphans, for the safety of the fatherland, and for the suppression of heretics and schismatics.[1]

The great movement of reform, begun at Cluny, was not confined to clerics but extended to the laity; and just as there had been, after Constantine, an attempt to Christianize the vocation of the prince, so did the institution of chivalry set out to Christianize the vocation of the soldier.

b. Clerics were still forbidden to bear arms. But the bishops accepted secular responsibilities, and after that it was difficult for them to keep clear of war. They found themselves engaged in it in their character as temporal princes. When the great movement of the Peace of God was organized, which attempted to banish war finally from Christendom,* the bishops raised troops against those knights who did not want peace.[3] There were those again who found themselves, for example, at Milan, at the head of the communal militia.[4] Fulbert of Chartres, careful only for the sacred character of the bishops, was scandalized at such conduct which seemed to him a betrayal, since the Church should wield none but the spiritual sword. But his contemporary, Bernard of Angers, thinking of the defence of the consecrational political order, goes so far as to pronounce the panegyric of a prior who repelled a band of malefactors at the head of his monks, and who prefigured in a way the "military' orders" of St. Bernard.[5]

c. As to the Pope, it is clear that he cannot make war in virtue of his *apostolic* power whereby he is vicar of Christ and head of a Kingdom that is not of this world. What he can do here is to encourage, approve, bless, indeed reward by spiritual favours, those temporal enterprises which, being just and wholesome, more or less directly help in the long run the spiritual progress of mankind. Consequently he can approve a war that he sees as just, and ban another that seems to him iniquitous. Such papal interventions were not always without their inconveniences; they could be prompted by incomplete and one-sided information, not to mention prejudice and passion, and raise terrible cases of conscience for Christians who found themselves fighting in good faith in the wrong camp. Moreover the benedictions invoked on the just cause, and the maledictions levelled against the unjust, were not always followed by immediate effect even when the Pope was a saint: the justice immanent in the world is not, to be sure, an illusory notion, but its

[1] ibid., p. 235.

[1] The " Truce of God ", which forbade war only on certain days of the week, seems to Erdmann not a preparation for the " Peace of God ", but a recoil and a compromise (op. cit., p. 55).

•ibid., p. 56.

[4] ibid., p. 59.

[5] ibid., p. 69. A religious who, in the case of unjust aggression, does not defend himself, acts *in his capacity* as a Christian, as a religious. If he docs defend himself he acts as a Christian, doubtless, as a Christian should, but *inasmuch* os he is man, in his capacity as a man. So did those Jesuits who, on 24th June, 1621, defended Macao against the Dutch; cf. J. Duhr, S.J., *Un Jésuite en Chine, Adam Schall, astronome et conseiller impériale* (1592-1666), Brussels, 1936, p. 34.

workings may disappoint the hopes of a generation; they commonly lack that point and promptitude which a faith that often seems to us a litde naive was apt to expect. The more weighty the events of history the slower seems tlicir coming to fulfilment, the more unforeseeable their consequences.[1]

It is clear, on the contrary, that by reason of the *political* power conjoined with the apostolic the medieval Popes could take, or cause to be taken, all the military measures needed for the defence of the States of the Church. That scandalizes no one; Sergius II is blamed for not having more efficiently protected Rome against the Saracens;[2] John VIII is not blamed for having posted a flotilla at the mouth of the Tiber,[3] nor Pius IX for having mobilized his Zouaves against Garibaldi's bands: for in all these cases the Pope acted as prince and not as pontiff—although the older Popes were less concerned to make the distinction than those of more recent times. The true scandal occurs when certain Popes, whether in reality or appearance, allow affairs of State to gain the upper hand in their hearts.

But it is especially surprising to see some Popes, whose holiness is undisputed, resort to force not only to assure the independence of the patrimony of St. Peter and of tributary lands, but also for the success of much wider temporal causes. They begin, doubtless, by urging the Emperor and the Christian kings to arm, but when these remain deaf to their exhortations they take into their own hands great tasks the like of which their predecessors had never before assumed: they call to their aid the princes and knights of all lands to defend a Christendom threatened in its entirety by enemies from within, like the heretics, or from without, like the Mussulmans. Clearly they are no longer acting as princes of the Pontifical State. By what right then do they assume the leadership of armies? Nobody at the time could say exactly.[1]

[1] By reason, in part, of these delays, by reason of the difference between temporal and spiritual felicity, by reason also of the very slender relations between time and eternity, the law of justice immanent in history remains very insufficient and imperfect, especially where individual human persons are concerned—this is the great lesson of the book of Job—but also even when collective moral persons are involved. And yet the rights of holy justice will be vindicated, and every debt will be paid to the last farthing. For, as to those who are responsible for a social order, their virtues or crimes, their deeds good or evil, will follow them beyond death, to appear before the Sovereign Judge and to stand in the very eye of their conscience for ever. In short, the inadequacies, very real in our eyes, of immanent justice, are explicable by the fact that collective moral persons, which are mortal and perishable, are ultimately reached by divine justice in the immortal individual persons of those who go to make them up, and particularly of those who are their responsible rulers. The perfect triumph of holy justice will therefore never be apparent on our earth; and hence, heeding St. Peter's exhortation, we look for " the coming of the new heavens and the new earth according to his promises in which justice dwelleth." See J. Maritain, "The End of Machiavellianism ", in *The Range of Reason*, New York, 1952, pp. 145 et seq.

[1] L. Duchesne, *I^s premiers temps de l'État pontificals* Paris 1911, p. 204.

[3] ibid., p. 267.

[1] St. Peter Damian (1007-1072), who was not a man of the new epoch, did not sec how. He contented himself with saying, which was very true, that the Church knows nothing of vengeance, and that the head of the Church could not (as such) conduct a war. To those who pointed to the example of Leo IX (1049-1054) who was also a saint, and who nevertheless directed arms against the barons of Campania as simoniacs, heretics, and rebels against the Council, and who had, in a first " Crusade launched the German knights against the Normans to " deliver Christendom ", he replied that " Peter was not made prince of the Apostles for his denial, nor David a prophet because of his adultery ". Cf. Erdmann, op. cit., pp. 107 and 131.

But for their part they did not hesitate. They did what they thought they ought to do for the common good. Certain great temporal interests which, in a consecrational regime, involved great spiritual interests, were threatened. They alone had the power to defend them effectively. Their duty was to act.

The theory came later, and hesitantly. Manegold of Lautenbach tried to justify the undertakings of Gregory VII against the schismatics and excommunicated Henricians by alleging texts of St. Augustine approving the use of force against the Donatists: but St. Augustine would on no account have the blood of the heretics on the hands of the Church, and what had to be justified was precisely the Pope's resort to arms and shedding of blood. Next were brought forward the wars ordered and glorified in the Old Testament. They serve to demonstrate, no doubt, that there can be just wars, but do they suffice to prove that in the New Testament (a spiritual, not a fleshly covenant) in which spiritual realities are clearly distinguished from material, in which the worship of God is freed from Jewish nationalism and love for the Church is distinguished from love for the fatherland,[1] the Kingdom of God can defend itself by arms, and that the Popes, even as Vicars of Jesus Christ, can wage war? But if not, how can one justify the conduct of these Popes? What right had they to act in the armed repression of heresy and in the organization of the movement—to all appearance aggressive—of the Crusade? The answer has been suggested already. It was not in virtue of any canonical right, but by a right annexed, extra-canonical, as protectors of a consecrational Christendom.

The oscillations of medieval thought were between two extreme principles, one forbidding all war to the Kingdom of God, the other allowing it to the kingdoms of this world. The difficulty was to trace the lines of demarcation between the two zones. It is identical with the line dividing the canonical or spiritual power from the political or temporal. But it is not identical with the line dividing clerics from laymen. For the clerics could then legitimately enjoy extra-canonical powers. Prince-bishops existed; and the Pope himself,

[1] " Certainly ", writes Lagrange, " die prophets presented themselves to Israel as God's ambassadors, who bore His message and were concerned wholly with his interests. Nevertheless, this mission of the prophets generally compelled them to mix in wars and alliances, in rivalries between the two kingdoms of Israel, and in political intrigue. But Jesus was concerned solely with the religious ideal: He preached it, and His preaching led Him to His death.'* At the time of Antiochus Epiphanes diere were martyrs for religious truth, martyrs commemorated by the Catholic Church. All honour to them! But wc must not forget that in this struggle they were supported by national sentiment. They were fighting for hearth as well as altar in a noble war such as was so often waged in ancient times. Their particular claim to superiority lay in the fact that they confessed one only God; but their religious laws, laws of the ancestors and of their race, were precisely similar to the national heritage of other nations which had crushed the religious belief in one God in the cities of antiquity. In Israel, however, the two forces were united . . . Then it was that the testimony of Jesus was heard. At first He loo seems to be bound up with Judaism; but. . . the Jews were under no misapprehension about His teaching. He declares the truth simply and without alloy: He has God alone in view and He relies on God alone, for His fellow Israelites reject and condemn Him. He is the first witness, but He is followed by an innumerable company of other martyrs who attest the truth of what He taught. This fact must be admitted as one of supreme importance; it divides the religious history* of humanity into two periods, before Jesus Christ and after Jesus Christ " (TTir *Gosptl of ftsus Christ,* vol. ii, pp. 307 and 31B-T9).

besides his apostolic jurisdiction, exercised a temporal authority, whether as Prince of the Pontifical State or as protector of Christendom.

There is certainly nothing in the Gospel to authorize the Pope as Vicar of Christ and successor of Peter to take on himself the responsibility for a political government and consequently for the use of the sword. But neither is there anything that forbids him to annex to his spiritual power, if the general good should imperiously demand it, an extra-canonical power of a temporal nature. Now, supposing a consecrational Christendom, these interventions of the Pope in temporal affairs can be fully justified. To preserve the independence of his apostolic power the Pope was in fact constrained to assume the political government of the city of Rome. And to safeguard the common good of a consecrational Christendom, a common good that is political in essence but presupposes the profession of the Catholic faith and visible membership of the Church, he saw himself obliged to support the crusading movement. It is from this standpoint that we must judge the pre-Crusade of Gregory VII against the schismatic and excommunicated Emperor, and the great popular Crusade of Urban II against the Mussulmans.

G. The Crusades

I. THE HISTORICAL FACTS

i. From the standpoint of the secular historian the Crusades appear as a phase in that gigantic struggle between East and West, which oscillates more and more dangerously as history advances. It began with the Median wars, and is far from ended yet. It was marked by the conquests of Alexander, by the invasion of the Huns, by the successive victories of the Persian Sassanids and of the Eastern Roman Empire, by the overwhelming triumph of Islam which in the middle of the seventh century was "the great revenge of Asia", the "ground swell" that submerged North Africa and passed the Pyrenees; by the Byzantine re-conquest which at the end of the tenth century threw back the Arabs for a brief space beyond Armenia and the Middle Euphrates, by the thrust of the Turkish invasion which in the last quarter of the eleventh century wholly engulfed Syria and most of Anatolia. "At this date the integrity of Europe could be saved only by an outburst of conscious energy, in point of fact only by the entry on the scene of the youthful forces representing the renewed West since the great Roman renaissance of the eleventh century, and it is this effort that is properly called the Crusades."[1] Whereas the West had become Christian, the East had passed to a considerable extent under the hegemony of the Crescent, so that the Christian faith, which in this conflict of peoples and cultures was represented only on one side, seemed to have its destinies bound up with that of the Western world. Above the great duel which, in the first half of the seventh century, took place between the

[1] René Grousset, *Histoire des croisades et du royaume franc de Jérusalem*, Paris, 1931-1936, vol. III, p. in.

Persian king Khosrocs Parviz and the Emperor Hcraclius, and in which he saw the first Crusade, die chronicler William of Tyre held up the true cross, "symbol and prize of die struggle";[1] and the great *basilcis* who, in the tenth century, led against Islam what may be called strictly "the first of the Crusades in date",[2] the Greek Crusade, aimed not merely at restoring the old Roman frontiers but also at "liberating the Holy Sepulchre" and "restoring Jerusalem to the faith of Christ".[3] They were repelled by the Turks, and it was the Ladn West that took up the task of defending the Cross against the Crescent.

2. Whence came the moral impetus, the dynamism of the Crusades? They were closely integrated in a larger historical fact—the awakening of Europe, the first European renaissance after the fall of the Roman Empire—and they were one of the manifestations of a spiritual power of expansion, becoming eventually warlike, demographic, artistic, whose other effects in the eleventh century were the Cluniae movement, the flowering of Romanesque art, the development of pilgrimages, the constitution of the Pontifical monarchy and the warlike expeditions against the Arabs in Spain. For the Crusade "if by that we understand die defence of Latinity against Islam, in no wise began, as the textbooks teach, in the Levant and in 1097, but well back in the first half of the eleventh century and in the extreme West—in Spain—where Gregory VII in particular warmly encouraged the enrolment of French barons under the standard of the *Reconquista.* Gregory's gesture against the Mussulmans of Spain is the prelude to that of Urban II against the Mussulmans of Syria".[4] This last fact is not without its significance: the Crusade, up to a certain point, appeared as the reply of medieval Christendom to the principle of the holy war proclaimed by Mahomet himself against the pagan tribes of Arabia,[5] which was now imperilling the very existence of Christianity. "The Eastern Crusade was thus bound up with the Spanish reconquest. Even the Italian shipping, long before it helped the

1 Grousset, op. cit., vol. I, p. 1.

' ibid., vol. III, p. ii.

' G. Schlumberger, cited by Grousset, op. cit., vol. I, p. xi.

* Grousset, op. cit., vol. III, p. viiL There is more to be said. In a letter addressed in 1074 " to all those who would defend the Christian faith", Gregory VII proclaims that " the race of pagans has risen against the Christian Empire [of the East], it has come to the walls of Constantinople devastating all, filling all with violence and tyranny, killing thousands of Christians like so many cattle he declares that he is leasing no stone unturned " to come as quickly as possible to the aid of the Christian Empire ", and he urges all Christians to be ready to follow the example of Christ and give their lives for their brothers *(Epist. XUX-,* P.L. CXLVIII, col. 329). The Crusade is here conceived as a defensive war.

1 " Henceforth the Mussulmans were authorised to reply to violence by violence, but only when so ordered from on high" (Emile Dermenghem, *La tie de Mahomet,* Paris 1929, p. 159). The Prophet cites as an example to his faithful " the Greeks under Heraclius who had beaten the Persians and thus saved the Churches of Syria and, in consequence, the Mussulmans of the Hedjaz " (ibid., p. 191). He promises paradise to those who fall; to die in the holy war is to suffer martyrdom. St. Thomas was to say, on the contrary, that the Church does not venerate as martyrs those who die with sword in hand (11-11, q. 124, a. 5, obj. 3) ; and Francis of Vittoria, commenting on this article, declares that however heroic may be the death of those who perish in the war against the Saracens to defend the Christian faith,·, he Church does not regard them as martyrs [çuia *ibi est cimtrapuçnantia] (Commentarios a la Secunda secundae de Santo Tomos,* Salamanca 1935, p. 350).

Crusaders to capture the maritime towns of Syria and Palestine, had participated in the struggle against Islam by helping the Spanish to reconquer the Balcarics. The *Dieu le veut!* of 1095 was only in appearance a new formula. For more than a century God had willed it, the Papacy had proclaimed it, and the barons of the Midi and of Northern France had fulfilled this will on the marches of Castile and Aragon."1 Whereas Alexander and Saladin embody in a way "the stream of history, the ineluctable chain of causes and effects", the first symbolising the revenge of Hellenism on the barbarian world, the second personifying the irresistible counter-attack, Pope Urban II, proclaiming to the Council of Clermont on the 27th November 1095, "that in view of the Turkish conquest and the Byzantine collapse, the West must be defended not only on the marches of Spain, but also on the shores of Asia", appeared as coming "to halt and turn back the course of events". The Crusade which he had long been planning and whose inception was due "neither to the appeal of Alexis Comnenus, nor to the pilgrimage and preaching of Peter the Hermit", was "the saving reaction, the defensive rebound of Europe in the face of the greatest danger it had ever been in since the fall of the Roman Empire. The moral unity of the Roman world was now suddenly re-knit from the Atlantic to the Danube and indeed to the Bosphorus, to postpone for three and a half centuries the fatal collapse of 1453".2 Such were the main lines of the picture on the eve of the First Crusade.

3. The initiative in the matter of the Crusade thus came from the Pope. By choosing for its leader the Bishop of Puy, Adhemar of Monteil, the Pope showed that "he wanted to keep the direction of the movement in his own hands, the territories to be conquered by the Crusaders undoubtedly being, in his mind, another patrimony of the Holy See".3 In fact, after the conquest of Jerusalem, we sec the Archbishop of Pisa, Daimbert, become Patriarch of the Holy City, claim possession. "The Holy Land belonged to Christ the King whose representative the Patriarch was. Thus the Patriarch was the sole legal possessor of the land, and it was only as his mandatories and vassals that the Defender of the Sepulchre and the Prince of Antioch could exercise authority."1 The Latin society of the Levant thus presented itself "as a replica of the Latin society of the West. At the centre, a pontifical see—Jerusalem instead of Rome—commanding vassal kings. But what was possible in the midst of the Christian world was hardly possible here in this entrenched borderland on the threshold of the desert, at the mercy of the first Arab or Turkish raid".5 Daimbert's Patriarchate was ofshort duration. At the death of Godfrey de Bouillon the Holy City passed into the hands of Baldwin I, founder of the Kingdom ofJerusalem, which did not differ from other temporal kingdoms.

1 Grousset, op. cit., vol. III, p. ix.
2 ibid., vol. III, p. xxv; vol. I, p. 2; vol. III, p. ix.
3 Grousset, op. cit., vol. I, p. 4.
4 ibid., p. 195.
3 ibid., p. iq8.

2. VARIOUS MEANINGS OF THE WORD "CRUSADE"

The above recital shows that what is commonly called the history of the Crusades covers several different types of fact that need to be carefully distinguished:

a. First come the pilgrimages. The Crusade, then understood in its most spiritual sense, "is, by definition, a work of piety, the fulfilment of a vow, the laying up of merits, so much so that many who took the Cross merely went to the Holy Land and, like Count Robert of Flanders in 1177, let it be known that they came to pray and in no wise to make war".[1]

b. But the time came when these pilgrimages led to fighting. "The essential thing then was to fight, and not to come back without having killed Saracens, even if that involved breaking truce, upsetting all the patient policy of the Franco-Syrian colonists, and finally leaving these latter to struggle on in the midst of inextricable difficulties."[2] These expeditions deserve to be called raids and brigand expeditions rather than Crusades.

c. The name "Crusade" attaches, on the other hand, to military expeditions conducted according to the law of nations, undertaken in response to papal appeals and aiming at the liberation of the Holy Land and the protection of Christendom against the Mussulman invasions.

d. Lastly, to the spirit of the Crusade defined as an outburst of enthusiasm, of adventure, of transient pilgrimage, we may oppose, as Grousset constantly does, the spirit of permanent occupation, of colonisation, of political action, which presided at the formation and maintenance of the Frankish monarchy in the East.

The only one of these elements which raises a problem that concerns us here is the third, relating to those organized expeditions of the Christian West, at once spiritual and warlike, begun in Spain at the behest of the Popes and carried by them to the threshold of Asia.[3] By what title did the Pope intervene? Was it as the head of Christianity or as protector of Chris-

[1] ibid., vol. III, p. 2. Mme N. Denis-Boulet notes that in St. Catherine of Siena's day the official name for the Crusade is *passagium.* The word is already used in this sense by Innocent III, but it is undoubtedly still older: it indicates that in the mind of the Church the Crusade was a pilgrimage to Jerusalem, or a means to this pilgrimage, rather than a war on the infidels (*La carrure politique de sainte Catherine de Sienne*, Paris 1939, p. 77).

[2] ibid.

[3] It is of course clear that we are not obliged to justify the acts of barbarism which took place on these expeditions. At Nicaea, for example, the Crusaders had the idea of demoralizing the besieged by catapulting in among them the heads of the Turkish soldiers who had been sent to relieve them; and there are many other gruesome happenings of that kind. Speaking of the massacre which followed the capture of Jerusalem, for example, René Grousset says that whatever the provocation and the crimes on the part of the enemy, the thing is a blot on the history of the Crusade, and he quotes the judgment of Archbishop William of Tyre, the famous chronicler of the Kingdom of Jerusalem: "The town presented the spectacle of so great a slaughter of the enemy and so great a shedding of blood that the victors themselves could not but be overcome with horror and disgust" (*Histoire des croisades,* vol. I, p. 161). It is of course true that barbarism was no preserve of the Crusaders; they themselves were also capable of great nobility and die figure of St. Louis dying like his Master amid all the manifestations of defeat, wall remain the eternal glory of the Crusades. It is also true that in the time of Saladin particularly they encountered many fine acts of chivalry on the part of their enemies.

tcndom? Were the Crusades the warlike expeditions of Christianity or of Christendom?

D. St. Bernard's Distinction of the Two Swords

The capture of Edessa by the Turks on the 23rd December 1144 and again on the 3rd November 1146, followed by the massacre and deportation of the Armenian population, marked the beginning of the return wave of Mussulman conquest. It was thus that it was understood in the West, where the news of the event provoked the Second Crusade. Pope Eugenius III gave the task of preaching it to St. Bernard. After reading to the immense assembly at Vézelay (31st March 1146) the Bull exhorting the Christians to "take up the cross and your arms" to stop the advance of the infidels, to defend the Eastern Church liberated by the first Crusaders, to rescue those thousands of Christian prisoners whom the Mussulmans held in chains, the saint succeeded, by the fire of his eloquence, in raising a wave of enthusiasm not unlike that of 1095. The Second Crusade was fixed for the following year. It has been remarked that instead of being a more or less inorganic international migration, it set on foot two regular national armies commanded by the two most powerful sovereigns of the West—the King of France, Louis VII, and the Emperor of Germany, Conrad III—and that it was thus distinguished from the First Crusade "in theory at least, since the religious origin of the Crusade had obliged the knights to drag after them in their wake a whole crowd of pilgrims and penitents, devoid of all military value and impeding the movement of the troops".[1]

How did St. Bernard explain the alliance of the cross and the sword? He had recourse to the image, since become famous, of the two swords.

In the book he dedicated to the Templars the saint in a general way justified the use of arms by the fact that John the Baptist did not ask the soldiers to lay down their arms, but simply to be contented with their pay (Luke iii. 14).[2] He gave St. Paul's words reminding the Romans that the civil power bears the sword as God's minister (xiii. 4); he quoted the wars of the Old Testament; and, as a climax, recalled the example of the Chief of all knights who one day armed Himself, if not with the sword at least with the lash, to chase the traders from the Temple. After all this, he went on to approve of the drawing of both the swords of the faithful to repel the heathen who make war, oppress the Christian people, and dream of depriving Jerusalem of all its inestimable riches, of profaning the Holy Places, and of possessing themselves for ever of the sanctuary of God.[3]

[1] Grousset, op. cit., vol. IT, p. 226.

[1] The argument is taken from St. Augustine: " For if the Christian religion*', he writes, in a letter to Marcellinus, " condemned wars of every kind, the command given in the Gospel to soldiers asking counsel as to salvation would rather be to cast away their arms, and withdraw themselves wholly from military service; whereas the word spoken to such was: ' Do violence to no man, neither accuse any falsely, and be content with your wages '—the command to be content with their wages manifestly implying no prohibition to continue in the service " *(Epist. CXXXVIII,* 15).

[3] *De Laude Novae Militiae, ad Milites Templi,* caps, iv and v; P.L. CLXXXII, cols. 924 and 927.

After the loss of Edessa St. Bernard urged the Pope to draw the material sword himself and go to the aid of the Eastern Church: "Since the Saviour suffers anew where once He died for us, both the swords must be drawn which he allowed on the first occasion [Luke xxii. 38J. And who should draw them but you? Both swords of Peter must be unsheathed as often as need be, the one at his *command,* the other by his *hand.* And, indeed, of the one of which it seemed that he ought not to make use it was said: *Pul up thy sword into its sheath.* Therefore that too was his, but not to be drawn by his own hand. I think that now is the time when necessity bids both to be drawn for the defence of the Eastern Church."[1] There arc therefore two swords quite distinct from each other, one of which Peter takes immediately into his own hand, and one that is taken immediately by the prince. But Peter can, and in certain very' grave circumstances ought to, command the prince to draw his sword.

Finally, at the end of his life, St. Bernard makes the same distinction in his *De Consideratione.* But the circumstances have changed. It is no longer a question of encouraging the Pope to the Crusade against the heathen, but of recommending him to be gentle to his own flock. He is to gain them not by steel but by words. And though the material sword is rightly his, to use it unwisely would be in a way to usurp it: "Why do you seek to usurp the sword that once already you have been ordered to put back into its scabbard? But he who denies that it is yours does not sufficiently consider the words of the Saviour: 'Put back thy sword into its sheath' [John xviii. it]. It is therefore yours, and to be drawn, no doubt, at your bidding, but not by your hand. For otherwise, if it concerned you in no way, to the Apostles who said: 'Here are two swords', the Saviour would not have replied: 'It is enough', but: 'It is too much.' Both swords therefore belong to the Church, the spiritual and the material. The material sword is to be drawn in defence of the Church, the spiritual by the Church; the spiritual by the hand of the priest, the material by the soldier, but at a sign from the priest, and on the order of the Emperor."[1]

The Church, says St. Bernard, possesses the material sword because she can command princes to draw it. But when the material sword spills blood, whose is the responsibility? Does it fall on the Church, or on the prince? The problem arising from the bloody repression of heresy arises again in connection with the Crusade.

E. Theology of the Crusade

I have no intention here of setting out all the various theological explanations that have been proposed for the Crusade. Erdmann has noted that, contrary to what happened in the quarrel over investitures, it was practice rather than theory that took the precedence in the matter of the holy war.[3]

* *Epùt. CCLVI,* i and 2; P.L. CLXXXII, col. 4G4.
1 Lib. IV, cap III, 7; P.L. ibid., col. 776.
l Dit EnLiUhung dts Krtuzzugjgtdanktns, p. 133.

CANONICAL POWER AND POLITICAL POWER

The Popes, prompted as I believe by the Holy Spirit, had a lively sense of the new responsibility that lay on them at this historical moment. They acted accordingly. The theoretical justification came afterwards. It took forms that may seem to us too vague, or insufficient, or disputable; even erroneous. We need neither the Donation of Constantine nor the False Decretals to justify the States of the Church and the authority of the great Pontiffs of the Middle Ages. Nor have we any need, in order to justify the Inquisition (as far as it can be justified), to credit the canonical power that Christ left with His Church with a right to inflict the punishment of death. Similarly, we arc not obliged to justify the wars against the heretics, nor yet the Crusades, on the grounds alleged by contemporary writers: to force St. Augustine's texts, for example, on the suppression of the Donatists, so as to make them cover the death penalty, or to dbmpare Pope Urban II, preaching the First Crusade, with Moses leading the Hebrews to the Promised Land. Behind all these theoretical explanations, disputable or plainly incorrect, we may perhaps recognize a practical attitude in the Sovereign Pontiffs which can be shown as justified in the light of the later development of Christian doctrine. For I think that the precisions furnished, for example, by Leo XIII on the relations of Church and State will enable the theologian to appreciate more exactly how certain facts of the past, such as the Inquisition, the wars against heresy and the Crusades, stand with regard to the powers and the life of the Church. Doubtless this standpoint is not that of the historian, but that of the speculative theologian. But the historian himself should, I think, recognize its legitimacy.

Let us see then how, from this standpoint, we should understand the distinction of the two swords as formulated by St. Bernard on the occasion of the Second Crusade.

In accordance with what has been said there are, in the abstract, three possible interpretations.

It could be said first that those who dispose of military forces are acting as pure instruments of the canonical power, that is of the Church. The Church is the principal agent, and on her finally lies the responsibility for the blood spilt. On this interpretation the Crusades would be Church affairs; they would pertain directly to the Kingdom of God. Such a view might be in conformity with the doctrine of Suarez: it is not in conformity with that of St. Augustine, nor, I think, with that of St. Thomas. Its defect is to make the analogous too much like the univocal, to fail to make a clear enough distinction between the ways of God's Kingdom and those of Caesar's, between the characteristic means of the former, which, even when intrinsically and immediately material, should always, by reason of the immediate ends they envisage, submit to the attraction of the spiritual and be purified, moderated and softened; and the means of the latter, which, serving purely temporal ends, can remain severe and even bloody.

War of course can be waged for temporal ends that are very noble, and sometimes closely connected with the maintenance or progress of the faith

in a given region. The well-recognized piety of certain military leaders, such as St. Louis on the Christian side,1 led them to seek the spiritual before all else, to efface themselves before it, to reduce themselves, and their armed forces too *if* that were possible, to the condition of a pure instrument.* And yet I think one may claim that an armed force refuses of its very nature to be handled as a pure instrument of the spiritual.3

1 On the Mussulman side there wtls Nur al-Din: " Unlike Zengi, he aimed less at personal territorial gains than at the expulsion of the infidels, and the gains were added according to the scriptural promise. The annexation of Damascus in x 154 united all Mussulman Syria under his rule. A hard administrator at times, but free from the outbursts of the old Turkish cruelty of liis father Zengi, his government was remarkably wise and beneficent. For these qualities he gained the esteem of the Franks, just as Louis IX did of the Mussulmans: the .Archbishop, William of Tyre, bowed before 'this prince so just and religious according to his Law'. Observe that like the holy Imam 'AH he had the defects of his qualities. If he protected the doctors of the law, the learned and the wise, his religious exaltation plunged him at times into strange mystical paroxysms. Of a nervous and morbid temperament, often at the point of death, he was far from possessing the physical personality of his father. In this state of mind he so wholly subordinated his political interests to his religious impulses, that those who knew how to provide for their own personal ambitions under pretext of the holy war would often deceive him (as happened also with the young Saladin) " (Grousset, op. cit., vol. Ill, p. xxiii).

1 They were in fact striving toward an unattainable ideal; in actuality they did practise their profession as politicians and soldiers. René Grousset, distinguishing the " purely French character " of the Seventh Crusade from that of the preceding ones, which were " international expeditions organized, in principle, by Christendom as a whole ", goes on to write: " Louis IX's Crusade—despite the profoundly religious character stamped upon it by the sanctity of its leader—presents itself to us, on the contrary, as the first colonial expedition of the Kingdom of France. When she embarked at Aigues-Mortes on 25 August 1248, it was really the Capetian State, which Philip Augustus had led to triumph at Bouvines, that bad begun the attempt to relieve the desperate straits of the Frankish colonies on the marches of Syria. ... It should be noticed how positive in temper and well-organized was this expedition of Louis IX's, which has been represented to us as a purely mystical undertaking. The king-saint's Crusade was a technician's campaign above all things; he waited for months at Cyprus and at Damietta $0 that every thing should be just so . . (*Histoire des croisades*, vol. Ill, pp. 428 and 456). It is however clear that the crusading spirit and an over-ardent desire to " die for God in the Holy Land " were sometimes the cause of great imprudence in the military sphere, as were other passions which were not, unfortunately, on so lofty a plane. One wonders whether the King could have agreed finally to that diversion of the eighth Crusade against Tunis which was " an enormous historic blunder " and of w'hich " St. Louis was, alas, no more than the victim " (ibid., p. 653), because it had become a matter of indifference to him where he died, provided it were in battle against the infidel.

' The Military Orders represent a supreme attempt of Christianity to subject war to some discipline. Did they' set out to make it a pure instrument of the Kingdom of God?

We know the origin of the first of these Orders, that of the Templars, which served as a model for the others. Some knights, struck by the desolation and insecurity which, in spite of the success of the First Crusade, prevailed in the Holy Land, undertook on their own initiative to police the routes and the watering-places and to protect pilgrims against the Saracens and the bandits who infested the new kingdom of Jerusalem. Baldwin I accepted their services and lodged them in the precincts of the Temple. They* took a vow to fight God's enemies in obedience, chastity and poverty. After nine years they still had only nine members. But they were approved at the Council of Troyes in 1128 and St. Bernard agreed to justify these soldier-monks and to pronounce " the panegyric of the new militia ". cf. Vacandard, Pu *de saint Bernard*. vol. I, pp. 235-255.

What was the meaning of the Church's approbation? Was it a recognition of war as an instrument of the Kingdom of God? Not in the least. Neither in this matter nor in the Crusade did the Church propose to take the responsibility for the war fought and the blood spilt. That, as she knew well, was not a spiritual task but a secular one. She approved those laymen who, having bound themselves to God by die three vows in order to purify their intention, made a speciality of rendering to Caesar what belonged to Caesar in the matter of fighting, under the responsibility of their temporal chiefs, for the common good of Christendom. He who, be he layman or even cleric, takes

CANONICAL POWER AND POLITICAL POWER

Wc now come to the second explanation. Those who dispose of the military force are acting as secondary principal causes. The Church intervenes only to remind them of their task, of their duty to act according to purely temporal laws of action which are other than her own. The Crusades are directly temporal affairs; they pertain directly to the kingdoms of this world. What they aim at immediately is the temporal safety of the Christian West. But the defence *by arms* of the Christian West, of the social order then called Christendom,[1] though forbidden to the Church as such—to the canonical power—could nevertheless become the subject of a precept

up arms in legitimate defence or to succour a child under attack, acts according to the (just) law's of die temporal order and not according to the laws of the spiritual order; he acts *like* a Christian on the plane of diose things that pertain direcdy to Caesar, not *in his capacity as* a Christian on the plane of diose things that pertain direcdy to God. This, I diink, is how the legitimate mission of the Military Orders should be understood. If in fact there have ever been any Christians who hoped to transform a military force into an instrument of the spiritual and to wage a holy war, it was certainly these soldier-monks. Such a hope however went against the nature of things, and there we have the chief cause of the abuses which the Military' Orders occasioned.

The Military' Orders opened the way to the constitution ofmonastic States, at least of a certain type of monastic State, since other types arc known to us such as those of Thibet, of Mount Athos, or the Reductions of Paraguay. In his study " The Monastic States on the Coasts of die Baltic ", appearing in *Baltic and Scandinavian Countries,* Gdymia 1937, vol. III, no. 1, Karol Gorski assures us that " the fact that the monastic States had something of the character of a caste was not the sole cause of decadence, and was not necessarily an element of weakness: on the contrary, these litdc States were relatively more powerful than others with similar material condidons, for their cohesion was stronger". He points to die sometimes important contributions they made to the general advancement of culture. But he notes " die ideal of the monastic life was certainly not maintained in die monastic States. The moral corruption in Thibet or Mount Athos, the low level of morality in die Chivalric Orders in the last years of dieir existence, and even the excessive development of trade with die Jesuits of Paraguay, prove this up to the hilt. It was the inevitable result of a deviation from the religious ideal and its transference into the sphere of the temporal. That perhaps is die reason why the decadence and disappearance of these States or pscudo-States was passed over with so little regret". The wish to wield temporal means of this sort as pure instruments of the spiritual can only issue in coercion and the ruin of the spiritual: " For us who bring men the faidi or death . . ." (Mickiewicz, *Conrad Wallenrod,* 4th Song). On die origins of the Teutonic Slate, Gorski writes: " The State of the Teutonic Order did not issue from the fundamental ideas of the Middle Ages; it was rather an abuse of them . . . The Papacy' did not desire the foundation of a monastic State on the lands conquered in Prussia . .. These ideas of the Holy See were in harmony with the principles of the monastic life, which asked the monks for renunciation and was wholly opposed to the temptations of a secular dominion ... If we go back to the first beginnings of the Teutonic State in Prussia we shall find around its cradle the laicising and scoffing spirit of die imperial court of Frederick, King of Sicily. Was it perhaps these lay and Mussulman influences that vitiated the ideal of Hermann von Salza? " *(The Decay of the Teutonic Order and State in Prussia,* Warsaw 1933, p. 1).

fhe monastic States, issue of the Military Orders, must be clearly distinguished from the old States of the Church. The former were at the immediate service of a *temporal* order, that of Christendom, and acted, at their best, as its ramparts along the whole pagan frontier. The latter immediately served a *spiritual* order, that of Christianity, their end being to assure the free exercise of the pontifical power.

[1] " In quo quantum Ecclesiae Dei, et totae *christianitati* periculum immineat, et nos cognoscimus, et prudentiam vestram latere non credimus" (Bull of Eugenius III, 1st December 1145). '* Quis de tot fidei orthodoxae cultoribus tam immaniter trucidatis, de tot calamitatibus captivorum, et aliis *christianitatis* opprobriis non ex tota mente movebitur? " (Bull of Nicholas IV, 1st August 1291). See in Jean Rupp, *L'idée de chrétienté dans la pensée pontificale, des origines à Innocent III,* Paris 1939, where there is pointed out die difference of meaning between the Church=" spiritual society of the Christians ", and Christendom *(christianitas)* =" society of Christians in pursuit of a temporal end " (p. 127).

addressed by the Church to the Christian princes, and of spiritual favours granted to all who would undertake it—since it appeared not only as a legitimate work, but also as a condition of the preservation of the faith in so many souls. The Church used her canonical power to preach the Crusade, but she did not directly assume the responsibility for the Crusade understood as a warlike expedition. Theologically, this thesis is beyond reproach. Let us suppose a Christendom of the secular type, a civilization sufficiently penetrated by the influence of the Church to deserve to be called a Christian civilization. Suppose that one day it has to defend itself in arms against a civilization of the naturalist or atheist type, and that the Sovereign Pontiff intervqnes *morally* in the conflict to support one camp and to forbid Christians to fight in the other. Then it is to the above explanation that we should turn. But the Crusades were more than that. They occurred in a different atmosphere and cannot, I think, be fully accounted for in this way. If the attitude of the medieval Popes is to be thoroughly justified we must take into account a further consideration.

Hence a third explanation. Owing to the failure of the imperial power the Pope was compelled to accept the responsibility for the Crusade, not as Vicar of Christ and Head of Christianity', but as protector of a consecrational Christendom, being bound to act on account of the spiritual values then involved in the political order, values which therefore could and should be defended by political resources. Thus it was in virtue of a temporal extra-canonical power that the Pope then intervened, exercising authority over the princes considered as pure instruments for the common good of Christendom. To be responsible for a just war, for just bloodshed, was no sin for a temporal power; it was ethically good and so could be made meritorious by charity; but it would have been a sin for the Church, who has to conquer by being ready to shed her own blood, like Christ, not by spilling that of others. What is allowable for the kingdoms of this world, whose ends and means are temporal, would be certainly illicit for the Kingdom of God, whose end and means are spiritual. The Crusade might very suitably be a war waged by *Christendom* against Islam. It could not be a war of *Christianity* against Islam, since Christianity' does not go to war. If then a "holy war" is a war for which the Church takes the responsibility there has never yet been a holy war. The phrase "holy war" can only startle anyone who contemplates the mystery' of the cross, the mystery that lies at the heart of Christianity, is presented every day at Mass and is the cause wherefore, as St. Thomas says, the Church forbids all clerics to take blood on their hands.[1] It remains foreign to the Christian vocabulary'. In point of fact St. Thomas never makes use of it; and when he wants to characterize a war undertaken at the instance of the Church, he is content to call it "just".[2]

[1] " Non competit cis occidere vel effundere sanguinem, sed magis esse paratos ad propriam sanguinis effusionem pro Christo, ut imitentur opera quod gerunt ministerio " (II–II, q. 40, a. 2, " Utrum clericis et episcopis sit licitum pugnare? ")

[1] " Ad clericos pertinet disponere et inducere alios ad bellandum bella justa. Non enim interdicitur eis bellare quia peccatum sit, sed quia tale exercitium eorum personae non congruit/'

The duty of the Crusaders—symbolized by the liberation of the Holy Land, the earthly country of the God of Heaven,[1] now, it was hoped, to become the marches of Christendom upon the frontiers of Asia—was really nothing less than the defence of the temporal order of the West, of the whole of Christendom, whose collapse would be so damaging to the Kingdom of God. Even while perilously hemmed in by Islam, it had been foolishly occupied in shedding its own blood in battles and tourneys, but was now at last recalled to a sense of its own living solidarity by the extraordinary moral prestige of the Papacy. The fact that at this moment of the millennial struggle between Asia and Europe, between East and West, the Church was ranged wholly on one side gave the West a privileged character and an importance not unlike that of the ancient Jewish people whom no one could attack without seeming to attack the cause of the true God. That, it is true, is but a superficial resemblance; for whereas the Old Testament revelation was, by the divine law, reserved to the Jewish people,[2] that of the New is divinely addressed to all peoples, the cross being destined to extend its arms over East and λVest alike. It is true however that in respect of the material conditions of its existence the Kingdom of God then stood in close dependence on the social organization of the West. The connection between the spiritual and the temporal was then the more evident since many bishops were also temporal princes, and since, if they did not fight themselves, they accompanied their people on the field of battle. Facts like these might easily produce the illusion that the Church as such was in the midst of the mêlée. But this was not so. The Church does not shed blood. The military Crusade was the direct work of the temporal powers of Christendom, and of the Pope as protector of Christendom.[3]

(ibid., ad 3). This is also surely the deepest thought of St. Bernard. At the end of a letter inviting the clergy and people of Eastern France to go to the aid of the Eastern Church, he recalls that the Jews should not be massacred, and that if it became necessary to take up arms against them, this would be the business of the temporal power. " Even if they were pagans we should have to look for their conversion, we should have to bear with them rather than attack them with the sword. But if they begin to use violence against us it is for *those who do not bear the sword in coin* to repel force by force" *(Epist. CCCLXIII,* 7; P.L. GLXXXII, col. 567).

[1] St. Bernard, *Epist. CCCLXIII,* 1.

[2] However, even in the times of the Old Law the Church, in right and in fact, was universal and supranational. But at a certain local point it was linked, accidentally and provisionally, with a particular people within which its development was favoured. For it was in the lands of this people that she was to bring into the world the man-child who should withstand the dragon, thanks to whom she would emerge at last from her preparatory phase and enter her definitive phase. Such is the covenant between the Church and the Jewish people: it was made in the first place for the sake of the Church, not that of the Jewish people, who had but the part of a servant to play. However strict had been the solidarity of the spiritual and the temporal in the Old Testament, their distinction remained intact, and their destinies were not confused. The existence of the Kingdom of God was never interrupted; but when the kings were faithless to their mission they were overthrown, and when Israel itself failed to recognize its Messiah it was rejected and its temporal dreams were shattered.

[3] The compénétration of die spiritual and the temporal which, characterizes the Crusades—and, in general, the whole medieval political order—and which I am attempting to analyse from a theological standpoint, is well marked by Groussct, who sees things from the exterior and descriptive standpoint of the historian: " On the 27th November 1095, the tenth day of the Council of

Thus the Kingdom of God never takes up arms and never assumes the responsibility for blood. Mahomet, in whom Islam found its highest and purest embodiment, having borne patiently with injuries for thirteen years, proclaimed the principle of the holy war, promised paradise to his swordsmen, took part in thirty campaigns and directed ten battles. But Jesus, in whom the Kingdom of God found its highest and purest embodiment, not only directed no battles but offered Himself, on the contrary', to death without even allowing Himself to be defended by the sword; not to condemn the use of the sword by the temporal authorities, as St. Paul clearly saw, but to manifest to all eyes that his Kingdom was not of this world: "If my kingdom were of this world, my sen-ants would certainly fight that I should not be delivered to the Jews: but now- my kingdom is not from hence" (John xviii. 36)?

Clermont, Urban II called all Christendom to arras. It was the call of the Pontiff to die defence cf the faith threatened by the new Mussulman invasion, the call of the true heir of die Roman Emperors to the defence of the West, the call of the highest European authority for the protection of Europe against the conquering Asiatics, successors of Attila and precursors of Mahomet II" *(L'fyopte da croisades,* Paris 1939, P· Q·

l It may be permitted to conclude by appropriating the words of Lacordaire, written on the 23rd May 184b to Mme Swetchine: "Ever)' sane mind can understand the Middle Ages if presented as an epoch of transition, proportioned to the traditions, the morals and the needs of the peoples, an age from which came many beautiful things which sufficiently justify the means used to obtain them. But to present the medieval order as an absolute, as the sole genuine issue of the Gospel of Jesus Christ; to worship its thought, to raise it to the dignity of a sovereign archetype, is unduly to slight the century' in which we live, and to run the risk of being flatly contradicted by the final court of appeal, posterity. We do not know where we arc going; God's secret is still unrevealed: but wc must know how to wait patiently in the chaos for the *fiat lux* of creation, and not to impede, by rash regrets or over-ardent expectations, the unknown work which lies hidden between the hands of God. The word has not yet been given from on high: wc must await it without cursing cither the past or the present, accepting both as the intertwined roots of a future that is to surpass them."

The feeling of uncomfortableness experienced by a Catholic watching Fritz Hochw alder's recent play *Sur la krre comme au ciel* (and a pan of its dramatic effect, no doubt) derives from the fact that there is no drawing of the distinction betw een the task which the Jesuits carried out as missionaries, in which capacity they implanted the Church—the crucified, pilgrim Kingdom of God—among the Indians, and the task they carried out as " supplying " in the temporal order—the organization of the Reductions of Paraguay, which were tied up with the perishable kingdoms of this world. See "Les Reductions de Paraguay", *Nova et Vetera,* 1954, p. 85.

Chapter VII

SECOND AND THIRD DIVISIONS OF THE PERMANENT JURISDICTION

We may now pass on to the other great divisions of the jurisdictional power. In this Chapter I shall discuss two of these: first the *accidental* division taken from the quality of the assistance promised by God to the jurisdictional intervention; second, the *material* division, taken from the nature of the things prescribed by the jurisdictional authority.

Although the great divisions of the jurisdictional power are thus made from different standpoints, they nevertheless partly overlap on account of the matters they apply to. Hence it will not be possible to keep completely clear of repetitions.

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i. THE ACCIDENTAL DIVISION: THE DEGREES OF JURISDICTIONAL ASSISTANCE

Without prejudice to more direct and more immediate distinctions, the power of jurisdiction is divisible from an external, accidental but not unimportant standpoint, by grouping the jurisdictional interventions according to the nature of the divine aid, the degree of divine assistance, on which they can count. The results of this study may help us later on to characterize the various speculative and practical pronouncements of the Church.

i. HUMAN HESITATION AND DIVINE ASSISTANCE

In assisting the depositaries of the power ofjurisdiction, God does not seek to dispense them from effort, reflection or hesitation. He sends them like labourers into the harvest, allowing them to make all kinds of experiments, fortunate or otherwise, to be stored up in the memory of the Church and continually to enrich it with the passing of the centuries. It may seem at times that He leaves her to be the sport of the winds, like the little boat on the Lake of Tiberias, but in reality He never ceases to watch over her, and it is His omnipotence that finally determines her line of movement through history. To adopt another comparison, just as the grace of predestination, without destroying man's liberty or sparing him trials, brings him infallibly to the goal of salvation, so the grace of divine assistance, without destroying

the liberty of the jurisdictional power or freeing it from the obligation of enquiry, consultation, reflection and prayer, nevertheless directs its steps infallibly to the great ends that God has assigned it.

s. THE JURISDICTIONAL POWER'S THREE TASK'S, CORRESPONDING TO DIFFERENT KINDS OF DIVINE ASSISTANCE

What are these great ends assigned to the Church, the great immediate tasks which she must carry out in this world? And in the case of each one of these tasks, what is the area left to the hesitation of human effort and what the area protected by the divine infallibility?

We may recognize three distinct tasks for the jurisdictional power, all of them necessary, but not all on the same level. They are mutually ordered among themselves. In the first, the divine assistance will appear in its pre-eminent form; in the second and the third, which are not immediately divine, the assistance of the Holy Spirit will leave an increasing margin to human initiative and take on a form more and more concealed—without ever leaving them wholly under the laws which rule human behaviour.

3. THE PROPOSITION' OF THE REVELATION ABSOLUTE ASSISTANCE"

The first and highest task of the jurisdictional power conjointly with the sacramental power, to manifest the very sources of evangelical grace and truth to the world. The jurisdictional power has to preserve the burden of the divine revelation intact among men, and authoritatively to make clear its contents as the passage of time may require. The least inexactitude here would be a catastrophe. For it is the divine revelation as proposed by the Church that is the object of our theological faith, that is to say of our supernatural, absolute, final and irrevocable assent. It must therefore be defined in a strictly infallible and irrevocable manner. That is not possible without the help of the highest existing form of the divine assistance. It does not suppress human effort, but it divinely consecrates it; some what as the miracle at Cana consecrated the efforts of the servants who had filled the urns with water. The divine assistance is here infallible in the proper sense and in an absolute manner. By ‘‘infallible assistance in the proper sense” we understand that which divinely guarantees *each one* of the decisions taken by the jurisdictional power (the assistance would be infallible only in an improper sense, would in fact be fallible, if it guaranteed the exercise of the jurisdictional power only as a whole and in a general way). And by ‘‘absolute infallible assistance we understand that which divinely guarantees as *irreformable* the speculative and practical pronouncements of the jurisdictional power. It is on this first form of assistance that the primary message of the Church depends. It comprises all those truths that the Church has defined, whether expressly as revealed or simply as infallible; and also dogmatic facts.

PERMANENT JURISDICTION: FURTHER DIVISIONS

4. "PROTECTION" OF THE REVELATION AND THE TWO FORMS OF "PRUDENTIAL ASSISTANCE"

The second task of the jurisdictional power is still, though less divine, one of the highest dignity. It consists in taking all the measures which, on the one hand, will give Christians secure access to the divine sources of grace and truth, and, on the other, will help to bring the living waters down into their daily lives. To feed Christ's sheep is not simply to have authority to open the divine pastures for them; it is also to have authority to ward off the dangers that threaten them, and direct their steps, that is to say their interior and exterior actions, towards these pastures. There we have a vast field of measures taken by the canonical power in matters both speculative and practical, and constituting what I have called its secondary message. Here the question is no longer to determine whether such and such a thing *is,* or *is not,* revealed, irrevocably defined, of divine institution. It is to determine whether this thing is adapted to lead minds, hearts and lives nearer to or farther away from what is revealed, irrevocably defined, of divine institution. Evidently we are in the domain of prudential decisions. The assistance needed now will not have to be "absolute", as in the preceding case. A relative one will suffice, guaranteeing the prudence of the measures decreed by the canonical power.

The more important, universal, permanent and urgent arc the decrees of the canonical power, the more they will engage the wisdom and holiness of the Church. The more particular, circumstantial and temporary they are, the more they will depend on the prudence of her ministers, and the less they will involve the Church herself. Hence the distribution, commonly made by theologians, of the decisions of the canonical power into two major and clearly recognizable categories—between which room can doubtless be found for measures whose nature is not easily determinable. The first category comprises the *universal* decisions, such as the great speculative and practical teachings of the canonical powers, the laws of the Church, the permanent provisions of her Canon Law; and the second category comprises *particular* decisions, such as legislative applications and concrete and detailed measures. Corrclativcly to these two species of canonical decision we must recognize two species of relative or prudential assistance:

a. First, a relative or prudential assistance which will be, like the absolute assistance, infallible in the proper sense, since it will divinely guarantee the prudence of *each* particular canonical decision of general interest.

b. Second, a relative and prudential assistance which will be, properly speaking, fallible, because it will not guarantee the prudence of each particular canonical decision, of each concrete legislative application. And yet this assistance could still be called infallible, though now in an improper sense, since the particular decrees of the canonical power particularize the great teachings and laws of the Church, so that the prudence of their general orientation will be thereby guaranteed; and whatever ignorances,

errors and faults may be found in this domain—and they arc inevitable—wc shall neverdieless be able to hold these decrees to be beneficial on the whole, and in most cases. We may think here of the multitudinous pronouncements made from time to time by provincial councils or by bishops, with a view to the proper regulation of the lives of clergy and laity.

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5. A TEXT OF ST. THOMAS

Up to this point we have recognized three kinds of assistance: (1) *absolute* infallible assistance, guaranteeing the irrcformablc truth of each of the decisions of the declarator,' power; (2) *infallible* prudential assistance, guaranteeing the prudence of each of the universal decisions of the canonical power; and (3) *fallible* prudential assistance (infallible only in an improper sense), guaranteeing the beneficence of the particular decisions of the canonical power, but only as a whole. I think that this division does not differ from that set up by St. Thomas in the sixteenth article of *Quodlibet IX*. Speaking of the way on which divine providence assists the jurisdictional power, he first distinguishes decisions on points of divine faith, in which the judgment of the universal Church, that is, of the declaratory power, cannot go astray: "Certum est quod judicium Ecclesiae universalis errare in his quae ad fidem pertinent, impossibile est." There we have the absolute and infallible assistance. Next he distinguishes decisions bearing on particular facts, concerned for example with ecclesiastical goods, legal proceedings and so forth, in which the judgment of the Church, that is, of the canonical power, can be led astray by false testimonies: "In aliis vero sententiis quae ad particularia facta pertinent, ut cum agitur de possessionibus, vel de criminibus, vel de hujusmodi, possibile est judicium Ecclesiae errare propter falsos testes." There we have the domain of fallible prudential assistance. Finally St. Thomas recognizes a third type of decision, standing between the definitions of the faith and particular decisions, and in which, as we may believe, the Church cannot err even in the exercise of her canonical power: "Pie credendum est quod nec etiam in his judicium Ecclesiae errare possit." The Church, he say's, answering difficulties raised about these intermediate decisions, is here led by the instinct of the Holy Spirit who searches all things, even the deep things of God, and divine providence sees to it that she is not here misled by the fallible testimonies of men. St. Thomas speaks here of the canonization of saints which seemed in those days to be a matter of human or purely ecclesiastical faith, as is to-day the beatification of a servant of God (it was only later, following the detailed study of dogmatic facts, provoked by the Jansenist quarrels, that theologians came to regard the canonization of saints as matters of irrevocable definition). Thus then, according to St. Thomas, there is a category of decisions to be held as infallible under pain of sin against piety and due respect for the Church, but not directly under pain of sin against the faith. There we have the domain of infallible prudential assistance.

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PERMANENT JURISDICTION: FURTHER DIVISIONS

6. *THE "EMPIRICAL EXISTENCE" AND "BIOLOGICAL ASSISTANCE" OF THE CHURCH*

A third task, to which corresponds a last type of assistance, also prudential, although less strict than the foregoing, devolves on the jurisdictional power. Its first task is to set out the divine revelation infallibly. Its second is to bring the Christian people into touch with this revelation. Its third will be to assure the temporal conditions of the Church's daily existence in the midst of the world of politics and culture. If such conditions were wholly absent the sacramental and jurisdictional powers could no longer be exercised, nor could the faith be propagated; and that would be the end of Christianity. Tliis, as we know, is impossible. The powers of evil will not prevail against the Church. The conditions needed for the exercise of the sacramental and jurisdictional powers and for the manifestation of the faith, in a word for the biological and empirical existence of the Church, will always be present, if not in a particular region still unconverted or swept by persecution, at least in other parts of the world. In this sense an infallible assistance is promised the Church. I shall call it "biological assistance". It will be very supple, as might be expected. Here there is no question of defining, or even protecting, a revealed deposit; but only of assuring the temporal conditions of the Church's spiritual life. Many and various expedients will be possible at all times. Any exact estimate of their value would require the widest knowledge, not only of the present, but of the whole course of history in so far as it affects the Kingdom of God. One would have to divine the whole mystery of the growth of things in time; even to know how the divine omnipotence makes use of our errors, our sins, and every other kind of evil. All that is quite beyond us, and here the prudence of the canonical power will always be uncertain. "Che sara domani? . . . Non sappiamo," said Pius XI, speaking of the results of the Lateran Treaty. The divine assistance promised the Church is here infallible only to assure her physical existence in the world; it spares her neither experiment nor hesitation, nor even governmental mistakes; these last it may even turn to good account. We can thus understand the freedom with which historians like Pastor, who has not lacked pontifical approbation, arc able to pass judgment retrospectively on the fortunate or unfortunate character of the political action of the Popes.

7. *THE CHARACTERS OF THE DIVINE ASSISTANCE:* a. *EXTRINSIC,* b. *ANALOGICAL,* c. *POSITIVE*

a. "If we look only at the *persons of* those who govern the Church" says St. Thomas *(Quodlibel IX,* a. 16), "wc should say that they could err in their decisions, but if we consider the *divine providence* which, according to His promise, rules the Church through the Holy Spirit", we must judge otherwise. From this we see that the assistance that sustains the Church in the world does not flow from any permanent or habitual principle inherent

in the Church. It is due to extrinsic providential aid, to a divine influx. However, it is more than a mere inerrancy of fact; it is an inerrancy of right, for the Church can, in all circumstances, count on God's special help.

b. It is easy to distinguish *assistance* from other exceptional forms of divine aid, for example from the prophetic graces granted to the Apostles, such as revelation or inspiration whether oral or scriptural. By revelation the Holy Spirit made the mysteries of the new faith known to the Apostles. By inspiration the Holy Spirit led the Apostles to express it infallibly whether *viva voce* (hence Tradition) or in writing (hence the Scriptures). By assistance the Holy Spirit docs not manifest any new mysteries of faith for the Church to hand on to the world; He sustains her supcrnaturally in the fulfilment of her mission.

When revelation, inspiration and assistance are thus compared and opposed we are thinking as a general rule of the absolute and infallible assistance which enables the Church to preserve the revealed deposit without error, to define its meaning irrevocably, and to explain its content.1 We are therefore considering assistance in its highest form. However, the jurisdictional power has other secondary tasks; and it is divinely assisted in the fulfilment of each. The consequence is that the notion of divine assistance must be regarded as analogical. The absolute and infallible assistance wall be its highest form, the highest analogue. Then comes infallible prudential assistance, and then fallible prudential assistance. Finally we have biological assistance, the lowest analogue of all. RH

c. It would be an error to think that the divine assistance amounts to no more than a negative aid. The best theologians hold that divine providence sustains the Church rather by positive graces of light and strength than by negative interventions confined to bringing about the failure of ill-conceived

1 " If the Holy Spirit has been promised to the successors of Peter " declares the Vatican Council, " it is not for the purpose of *revealing* any new doctrine for them to give to the world, but of *assisting* them to keep safe, and faithfully to expound, the divine revelation given to the Apostles, that is to say the deposit of faith " (Deiiz. 1836). In Chapter IX of the *Primum Schema Constitutionis Dogmaticae de Ecclesia Christi,* which had been proposed to the Fathers of the Council, we read: 14 We therefore teach and declare that the privilege of infallibility, which has been revealed to be a perpetual prerogative of the Church of Christ, and which is not to be confused with the charism of *inspiration* nor held to enrich the Church with new *revelations,* has been bestowed so that the word of God, transmitted either by Scripture or by Tradition, should be affirmed and kept in the universal Church of Christ, whole and exempt from all contaminations of novelty and change.'* So much as regards those truths defined as revealed: concerning truths defined as absolute and infallible without being expressly defined as revealed : " The prerogative of infallibility enjoyed by the Church of Christ embraces not only the revealed word in its entirety, but also all truths which, although not [formally] revealed in themselves, are nevertheless of such a nature that without them the revealed word could not be securely preserved, or proposed to faith and explained in any certain and decisive manner, or effectively affirmed and defended against human error and the contradictions of false science." The corresponding canon runs: 0 If anyone says: The infallibility of the Church is restricted to what is [formally] contained in the divine revelation, and that it docs not extend to other truths necessarily required in order that the revealed deposit may be maintained in its integrity, let him be anathema " *(Acta et Decreta Sacrorum Conciliorum,* Collectio Lacensis, vol. VII, col. 570 and 577).

measures and reducing their authors to impotence.1 "The privilege of inerrancy or of infallibility guaranteed to the magisterium of the Church" writes Père Clerissac, "cannot then be understood in a purely negative and passive sense which would represent God as only intervening just in time to prevent a mishap. The magisterium of the Church proceeds by positive judgments which imply a profound intelligence, an unlimited discernment. Taken simply in themselves, the formulae in which the Church sets the diamond of dogma are wonderful works. How much more precious is the judgment which they contain! This is the lofty form of prophecy which makes the Church a contemplative of the highest order."2 The illuminations of the Holy Spirit may be called on to sustain the jurisdictional power even in its lesser tasks. For example, the summoning of Christian princes to a Crusade would appear to be an occasion for simple biological assistance. And yet we know that St. Pius V was supernaturally made aware of the victors' of Lepanto long in advance.3

8. *DEFINITION OF DIVINE ASSISTANCE*

I shall define the divine assistance solely by its formal characteristics and say that it is an exterior aid, a present providential influx, sustaining the jurisdictional power in its triple mission (i) to preserve and expound the

1 " God preserves the Church from error not only by a negative assistance, but also at need by a positive one " (J. V. de Groot, O.P., *Summa Apologetica de Ecclesia Catholica,* p. 284). " Assistance has two aspects. The first is negative and consists in preventing the Church from misleading herself and others. The second is positive and consists in illuminating the Church so that she knows the truth herself and teaches it to the faithful " (R. M. Schultes, O.P., *De Ecclesia Catholica,* p. 285). In his *De Ecclesia Christi,* p. 368, L. Billot, S.J. rightly rejects the view which, under pretext of better distinguishing the revelation made to the Apostles, would exclude from the divine assistance—which is to safeguard and faithfully expound the revealed deposit—*1 all inspirations and illuminations and other interior aids of the multiform grace of the Holy Spirit." What has to be avoided is simply any suggestion of new revelations of Christian truth. " To those who ask what positive means providence employ's we answer that they are multiple, and cannot be cnnumcrated in full. Among them we must put first the traditional sense received from the ancients; then explanations given by Sainis and Doctors of the Church, the resources of theological science, the assistant grace of the Spirit of Truth. All these means, when of themselves insufficient to free men from error, will amply suffice nevertheless to achieve their purpose as soon as they are moved by the supreme Wisdom who never fails of His ends and who, in the midst of the most complex and uncertain contingencies, knows how to make an infallible use even of fallible instruments."

2 *The Mystery of the Church* (English trans.), London 1937, p. 69. But P. Clérissac is wrong to want to exalt the magisterium of the Church to the point of asserting its superiority even over Scripture. This error, which is common enough, comes from forgetting the distinction between two living or oral transmissions which arc nevertheless irreducible: the one going from Christ and the .Apostles to the primitive Church; and the other coming from the primitive Church to us. The deposit revealed by Christ and the Apostles to the primitive Church by oral or written transmission, Tradition or Scripture, comes to us by another living channel of transmission, which implies assistance only (magisterium).

3 " . . . the Imperial envoy Cusano, on May 6th, 1570, that is to say about a year and a lialf before die batdc, reports a conversation between Cardinal Comaro and the Pope, and says that Pius V had told the Cardinal of the inspiration he had had about a victory' over die Turks, remarking at the same time that he had frequently had such experiences when he was praying to God about some very important matter " (Pastor, *History of the Pepes,* vol. XVIII, London 1929, p. 450 n.1).

revealed deposit, (2) to defend it by prudential measures (3) to assure the conditions of its biological existence. If one had to enumerate the wealth of resources it brings into play it would be necessary to accord the highest rank to the firing faith of the Church and the contemplative gifts of knowledge and of wisdom which dwell in her in a constant and permanent manner and make her, in this world, the abode in which God hides Himself among men.

II. THE MATERIAL DIVISION: SPECULATIVE AND PRACTICAL MESSAGE OF THE CHURCH

The material division of the jurisdictional power does not set out to make two really distinct powers of it, one subordinate to the other. It is simply a division of convenience, and can be effected in two ways.

We can distinguish between pronouncements of the doctrinal order, whether speculative or practical, whether concerning "faith" or "morals"; and pronouncements of the disciplinary order, relating to acts chiefly exterior. Hence the division into *magisterial* and *disciplinary* power.

Again, we can distinguish between pronouncements of the speculative order, and those of the practical or moral order, comprising both general principles and disciplinary applications. Hence the division into power to announce *speculative* truth, and power to announce *practical* truth.

If we adopt this second mode of division it will be possible to detail, complete, and illustrate what has been said of the jurisdictional power.

i. THE POWER TO ANNOUNCE SPECULATIVE TRUTH

I shall first discuss truths guaranteed absolutely (those defined by the declaratory power), and then truths guaranteed prudentially (and taught by the canonical power).

A. Truths Guaranteed Absolutely

Under this heading we must include—while insisting on their basic homogeneity[1]—the three first degrees of Catholic doctrine, that is to say: *a.* the explicit revelation as delivered to the Apostles; *b.* dogma, or truths defined as revealed; *c.* truths defined in an absolute or irrevocable manner, though not defined as revealed.

1. THE EXPLICIT REVELATION

"I have called you friends; because all things whatsoever I have heard of my Father, I have made known to you . . . When the Spirit of truth is

[1] cf. Fr. Marin-Sola, O.P., *L'lzolution homoglne du dogme catholique,* Fribourg 1924, vol. I, p. 5. I am here summarising Fr. Marin-Sola's conclusions.

come, he will teach you all truth . . .” (John xv. 15; xvi. 13). The extraordinary light bestowed on the Apostles as founders of the Church enabled them to embrace, in the simplicity of a unique glance and in an eminent manner, the whole revelation of the New Law. What they have handed down to us, the explicitly revealed deposit, contains, either explicitly or implicitly, all the truths of the Christian faith. Henceforth we are not to expect any further revelation of the Spirit inaugurating some new age of the world, or any sort of advance on Christianity. The New Testament, the revealed deposit as it has come to us from the Apostles orally (Tradition) or in writing (Scripture), is final; it will be valid till the end of the world. The Church herself has no authority to modify it. Her mission is simply to keep it intact: “O Timothy, *keep that which is committed to thy trust* avoiding the profane novelties of words and oppositions of knowledge falsely so called . . . Hold the form of sound w'ords which thou hast heard of me, in faith and in the love which is in Christ Jesus; *keep the good thing committed to thy trust* by the Holy Ghost who dwelleth in us” (1 Tim. vi. 20; 2 Tim. i. 13). Similarly, at the end of the Apocalypse it is written: ‘‘If any man shall add to these things, God shall add unto him the plagues written in this book.”[1] That is why Pius X condemned the modernist error affirming that revelation, the object of Catholic faith, was not closed at the death of the last Apostle.[2] The first degree of Catholic doctrine comprises therefore the revealed truths, prior to all elaboration and in the very state in which they were handed on by the Apostles whether orally (Tradition) or in writing (Scripture). This first degree is the starting-point of all dogmatic progress.

2. DOGMAS, OR TRUTHS DEFINED AS REVEALED

But if the revealed deposit cannot increase through new revelations, its content at least may be developed indefinitely. Indeed, like every other living thing, its identity is only saved by development.[3] The Church there-

1 The faith, which was implicit before Christ because all the articles of faith were not yet revealed “ was unfolded into determinate articles of faith, and this was done by Christ Consequently, it is not allowable either to add to or to take away anything from the essential articles of faith . . . but the content of each of these articles may be unfolded as time goes on ” (St. Thomas, *In III Sent.* dist. 25, q. 2, a. 2, quaest. I, ad 5).

2 Decree *Lamentabili,* Dcnz., 2021.

3 Between Catholicism on the one side and Graeco-Russian dissidence and still more the old Protestantism on the other, the question that arises is whether the truth of the Gospel can be preserved like a mineral which only keeps its identity by remaining inert (and even those who assert most fiercely that it can are forced to bear with dogmatic progress), or whether it is preserved as a living thing, which keeps its identity only in growth. The profound insight into this problem of a Newman or a Soloviev led them to the Catholic Church. Newman, still Anglican, abundantly illustrated the paradoxical characteristic of life, which saves identity by growth, in his *University Sermons* (1843) and above all in the *Essay on the Development of Christian Doctrine* (1845). While he was writing this Essay his difficulties disappeared and he resolved to enter the Church, leaving the book unfinished. He expresses himself thus on the Essay in the *Apologia Pro Vila Sua* (Chapter II): “ That work, I believe, I have not read since I published it, and I do not doubt at all that I have made many mistakes in it; partly from my ignorance of the details of doctrine as the Church of Rome holds them, but partly *from my impatience to clear as large a range for the principle of doctrinal development (waiving the question of historical fact) as was consistent with the strict Aposlolicity and identity of the Catholic*

fore has a mission to develop and make explicit the deposit entrusted to her, she is like the perfect scribe whom Jesus compares to a householder bringing out of his treasure new things and old (Matt. xiii. 52). And if to preserve a divine deposit and unerringly unfold it needs divine assistance, Jesus will not fail to provide it: "Behold I am with you all days, even to the consummation of the world." All this is simply scriptural, and the Vatican Council sums it up when marking the rôle of the dogmatic magisterium of the Church: "The doctrine of faith which God has revealed has been committed as a divine deposit to the Spouse of Christ to be faithfully *kepi* and infallibly *declared",* to be "reverently *guarded* and faithfully *expounded"?*

The Church has thus authority and assistance *to guard* the revealed deposit. The task is superhuman. For it has to be preserved not by hiding it under a vessel but in the act of proclaiming it from the roof tops, and what has to be kept intact and free from alteration is not merely the outward verbal expression but the inward supernatural meaning. The Church is a living teacher repeating the Gospel message to successive generations, either using the very same inspired words (e.g. " the Word was made flesh") or equivalent words (e.g. "Jesus is true God and true man").

But the Church would be incapable of preserving the content of the divine revelation like a thing alive, not fixed and immobilized, if she had not power to declare, to manifest, to define its meaning, so as to be able to answer the new questions that are bound to crop up continually as time goes on. Hence a development of the revealed deposit, a dogmatic progress, effected either by way of speculative unfolding, or by way of concrete application to contingent facts.

First, by way of *unfolding.* If, for example, it is explicitly revealed that Jesus is true God and true Man, then it is already revealed, but this time implicidy, that in Jesus there are two intellects, one divine and one human, and two trills, one divine and one human. If it is revealed that Christ declared that what He offered under the appearance of bread was His Body, then it is already revealed, but implicitly, that in that upper room there took place an extraordinary' change of one substance into another, a trans-substantiation. The Church, divinely assisted, can therefore define as revealed by the Gospel itself, that in Jesus are two intelligences and two

creed." As to Neiman's definitive thought, cf. Marin-Sola, O.P., *L'ézolutian homogène du dogme catholique,* vol. 1, pp. 347-353. As to Soloviev, he wrote between 1882 and 1884: "It would be futile on this account [the dissimilarity between acorn and tree] to conclude that trunk and branches and leaves will later be supplied artificially from outside, to deny that the acorn can produce them, to deny the tree itself and admit the existence only of the acorn as wc see it. It is equally unreasonable to deny the more complex, more dearly manifested forms which divine grace assumes in the Church and to want to go back to those of the primitive Christian community " *(God, Man and the Church the Spiritual Foundations of Life,* trans. D. Attwater, London, p. 151).

l " Neque enim fidei doctrina, quam Deus revelavit, vehit philosophicum inventum proposita et humanis ingeniis perficienda, sed tanquam divinum depositum Christi Sponsae tradita, fideliter *custodienda* et infallibiliter *declaranda* " (Dcnz., 1800). " Neque enim Petri successoribus Spiritus sanctus promissus est ut, eo revelante, novam doctrinam patefcccrent, sed ut, eo assistente, traditam per apostolos revelationem seu fidei depositum sancte *custodirent* et fideliter *exponerent* " (Dcnz., 1836).

wills; that the real presence of Christ in the Eucharist presupposes transubstantiation. And this she has done; in the first case at the third Council of Constantinople, and in the second at the Council of Trent. The progress of the revealed deposit is here effected by simple unfolding, by passing from a truth revealed implicitly and "in itself", to the same truth revealed explicitly and "for us".

The development of the revealed deposit may be effected once more by its *application* to contingent realities. For if a universal proposition is explicitly revealed, then all the particular propositions that it contains will be thereby implicitly revealed. For example, it is explicitly revealed that the Church is infallible, in other words that every Council that is truly oecumenical, that is, truly representative of the Church, is infallible; and thereby it is revealed in advance that the Councils of Nicaea, Trent, the Vatican, etc., if oecumenical, are infallible. It is revealed explicitly that the Church has sufficient light to teach the evangelical doctrine, in other words to discern what is conformable or contrary to the evangelical doctrine; and thereby it is revealed in advance that the Canon of the Mass, if solemnly guaranteed by the Church, is free from error. It is explicitly revealed that Peter is to feed the sheep of Christ till the end of the world, in other words that the authentic successor of Peter has supreme jurisdiction over the Christian people; and thereby it is revealed in advance that Pius XI, if an authentic successor of Peter, has supreme jurisdiction over the Christian people. Once the condition laid down in these three examples is verified—not in a fallible manner as would be the result of a merely human enquiry, but infallibly as in the case of a declaration (implicit or explicit) of the Church divinely assisted to recognize the points that involve her whole destiny—the revealed universal proposition will be applied to a particular case, and the judgments of fact we have mentioned will appear, with absolute certainty, as implicitly revealed. They will become credible with divine faith; they will eminently deserve the name of dogmatic facts;[1] they can be solemnly defined as such; as it is defined for example that the Canon of the Mass is free from error.[2]

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[1] However, theologians who do not accept Niarin-Sola's conclusions still restrict the term "dogmatic facts" to facts defined absolutely, without being defined as revealed.

[2] *Declaration of the Council of Trent*, Denz., 953. "Since it is not revealed that every Host contains the Body of Jesus Christ, but only that every consecrated Host does so, it follows that to know whether any particular Host contains It must depend on a condition, namely whether or not it is consecrated. Now, on the one hand, since this condition depends on a number of fallible factors, its fulfilment cannot be absolutely guaranteed save by an infallible definition of the Church; and, on the other hand, her infallibility cannot be brought to bear on a particular fact, such as the consecration of a Host, which does not involve the faith of the whole Church. This then is not a matter of *divine* faith, but simply of *human* faith or prudence . . . Facts like these, concerning religion as they do, but not the faith of the whole Church, are not definable and never become 'dogmatic facts' But if we ask whether such and such a Council is oecumenical, whether a certain Pope is truly Pope, whether a particular version of the Bible is authentic, whether such and such propositions, orthodox or heterodox, are contained in such and such a book, etc. etc., and if we do this prior to the definition of the Church, we have so many questions of fact on which it is possible to be deceived; and hence there can be no question of divine faith in spite of all universal revelations. But since these facts concern the faith of the whole Church, and not that of such and such a particular person only, they can be infallibly defined by the Church, and therefore, after that,

It falls therefore within the competence of the Church firstly to propose, as object of divine faith, the truths *explicitly* revealed in the oral or written deposit, as handed down to us by the Apostles and Evangelists (revealed deposit). She is competent secondly to propose, as object of divine faith, truths which are included in the foregoing, but which, although from the outset revealed implicitly and "in themselves", were not yet revealed explicitly and "for us" (dogmatic definitions). That is not all: she is competent, thirdly, to propose certain propositions to the faithful the truth of which she absolutely guarantees, but without expressly putting them forward as revealed or as objects of divine faith (infallible irrevocable definitions, but not put forward as dogmatic).

3- TRUTHS DEFINED IRREVOCABLY, BUT NOT AS REVEALED

a. Accord of Theologians

These last pronouncements bear cither on doctrines which are in logically necessary connection with a truth of faith, or on facts in morally necessary connection with the primary end of the Church, which is to preserve and explain the revealed deposit;[1] doctrines and facts so closely related to the revealed deposit that their denial would at once imperil the deposit itself.

Thus among these irrevocable pronouncements are to be included certain condemnations of *doctrinal* propositions which, though not heretical or directly contrary' to the faith, are erroneous, bordering on heresy, and indirectly against the faith. Let us consider as examples picked out at hazard (and on my own responsibility, since they arc not expressly said to represent irrevocable decisions), the following condemned propositions: "The prince or the bishop loses his power as soon as he falls into sin" (Wicliff, Hus) ; "Man, after the fall, was at first abandoned to his own human resources so that he might learn to desire supernatural aid" (Synod of Pistoia); "Indulgences liberate only from the canonical penance imposed by the Church, not from the temporal punishment of sin imposed by divine justice" (Synod of Pistoia). A theologian would have no difficulty in showing that such errors would tend to the destruction of the revealed deposit: the first misconceives the nature of the spiritual jurisdiction of the Church and of the temporal jurisdiction of society'; the second the relations between nature and grace; and the third the promise: "Whatsoever you shall loose on earth shall be loosed in heaven."

they can be of divine faith. Phis faith is due to them not precisely because of the Church's definition, but on account of their inclusion in the revealed universal, an inclusion which the Church's definition does not ttzurr, but makes infallibly *bwtrn* to us" (Fr. Marin-Sola O.P., op. cit., vol. I, p· 471)·

[1] I shall discuss later, in connection with the canonical power, those things that stand in morally necessary connection with the secondary end of the Church: which is to prepare souls to receive and serve the revealed deposit, cf. p. 363.

Similarly, certain pronouncements concerning contingent *facts* can be infallibly and irrevocably defined by the Church. She has infallibly declared diat the five condemned propositions ofjansenius really figure in his book in an heretical sense; in the canonization of a saint she pronounces infallibly on the holiness of a human life; in giving final approval to a religious order she declares that the new Rule, in virtue of its general tenor—not merely on account of the three vows—is calculated to lead souls to perfection; she can declare infallibly that such and such a treaty is unjust or that a given contract is usurious or simoniacal. And indeed, if the whole Church could be deceived in appreciating how the burden of a book—Jansenius', for instance—stands to that of the Gospel, she could no longer teach men infallibly the doctrine of Christ;[1] if she could go astray in appreciating a life—St. Teresa's for instance—or a monastic rule, or a treaty or a contract, as related to the Gospel teachings, she would no longer be an infallible guide to sanctity, which is nevertheless the ideal of Christian life.

Theologians are unanimous in recognizing the infallibility of the Church in the above-mentioned matters. Many make it itself a point of faith. At the Vatican Council a canon had even been prepared with a view to the solemn definition as an article of faith of the doctrine that the infallibility of the Church is not "restricted simply to what is contained in the divine revelation", but "extends also to other truths *necessarily required* to ensure the integrity of the revealed deposit".[2]

b. Two Different Theological Explanations

Here however the differences begin. Do these truths, absolutely defined because "necessarily required" for the preservation of the revealed deposit, form a part of that revealed deposit, or are they outside it? They express, as we have said, doctrine that is in logically necessary connection with a truth of the faith, and facts in morally necessary connection with the primary ends of the Church. How are we to understand this necessary connection? The essential properties of a circle are involved in its definition; they are not really but only conceptually distinct from it, and you cannot destroy the first without destroying the second. That is a case of *intrinsic* or metaphysical connection. But the physical properties of a body, an actual radiation for example, while bound up with the nature of the body, are really distinct from the body and could even be separated from it by a miracle. That is *extrinsic* or physical connection. Under which head fall those truths that are irrevocably defined by the Church—under intrinsic or extrinsic connection?

[1] When Innocent X had condemned as heretical five theses drawn from the *Augustinus* ofjansenius, the Jansenists set themselves to distinguish between the right of the matter and the fact, and pretended that although the five theses, thus detached, were certainly heretical, yet in the context of the *Augustinus* they were really orthodox. It was then that Alexander VII infallibly declared and defined that the five dieses were condemned precisely in die sense they bore in die book.

[5] *Primum Schema Constitutionis de Ecclesia* can. IX; *Collectio Lacensis,* vol. VII, col. 577.

I think thata ll truths defined as irreformable bear upon what is implicitly but really revealed. They are truly—and this whether they announce a doctrine or a fact—an integrant part of the primitive deposit, not simply an adjunct, something annexed to it.l They were included in it from the outset as the properties of a circle arc included in its definition, but this inclusion remained hidden or at least was not infallibly made manifest? In teaching them as absolutely true the Church, of course, docs not bring about their inclusion in the deposit; she merely uses her declaratory power to indicate infallibly that they arc there. Hence truths of this third category will become objects of divine faith. Thus then we regard these truths as emanating from the declaratory' power and as objects of divine faith. It is not yet of divine faith that they are of divine faith. This is simply the conviction of certain theologians, here followed. But this is not to suggest that they arc of divine faith for some of these and not for the others. Resuming a distinction used long ago by John of St. Thomas3 to get over a like difficulty, I shall maintain as to truths of the third degree, that although all theologians do not receive them as of divine faith *in theory and reflexively* (“Speculative et in actu signato”), all of them nevertheless, even when they express themselves on this point in a manner that seems to us defective, receive them as of divine faith *in fact and spontaneously* (“practice et in actu exercito”). IH

l But how arc we to explain for example that what theologians call for short the Jansenist fact (do the five propositions figure in the *Augustinus* in a condemnable sense?) is a revealed fact and contained in the primitive deposit? Exactly as we explain that other facts posterior to the primitive deposit (c.g. the Council of Trent is oecumenical, Pius XI is a true successor of St. Peter, the Canon of the Mass is free from error) are revealed and contained in the deposit. They are particular applications of a universal proposition revealed from the outset. “ The Jansenist fact ” sap Billuart, “ is contained in the deposit, not indeed explicitly and immediately, but implicitly and mediately; it is included as a particular proposition within the universal one revealed from the outset—‘ Every text condemned by’ the Church is condemnable.’ It follows that the condemnation ofjansenius’ text is not a new article offaith, but the unfolding of a revealed universal, or rather its application to a determinate case. So, when a child comes into the world, it becomes of failli that this child has sinned in Adam, although there is no new revelation there, or any new article of faith, but the application to a particular datum of the revealed universal 4 All have sinned in Adam ’ ” *{De Regulis Fidei,* dissert. 3, a. 7, solvuntur object.), cf. Marin-Sola, op. cit., voL I, p. 475. The question of “ dogmatic facts ” and the sophism involved in the Jansenist distinction between a dogmatic law and a non-dogmatic fact, have been placed in vivid light by this theologian. The dogmatic fact is indivisible. At bottom, the judgments of the Church, being a confrontation of an orthodox or heterodox datum with the revealed deposit, are always judgments of fact (op. cit, p. 467).

’ Ib belong really to the revealed deposit certain truths may be contained in it in a more or less implicit, a more or less latent way’. Thus they’ appear as more or less necessary* to the preservation of the deposit. The Church therefore, infallibly* pronouncing on these truths, can note their respective degrees of implicitness, and say for example that they “ border on the faith ” or arc merely “ certain ”, or again that they 44 border on heresy ” or are only 41 erroneous ”. The Church can even condemn absolutely and infallibly as “ rash ” such a proposition for example as ‘‘The Last Judgment will (or will not) take place at such a date." In this case she pronounces in an absolute manner, not on the *date,* which remains uncertain, but on the *temerity* of those who predict it (cf. Marin-Sola, op. cit., vol. II, pp. 115 and 120).

I 40: vol. VII, pp. 233 and 248.

c. The Consequence of this Divergence of Opinion

However well founded may be the opinion here followed, it does not infallibly close the controversy. Some theologians may very well continue to think that pronouncements of the third degree are not an integrant part of the primitive deposit, that they are simply annexed to it from without, and they are not within the field of revelation. In that case they could not possibly fall under the *declaratory* power. Could they emanate from the ordinary canonical power, whose decisions are guaranteed only prudentially? No; they would have to be attributed to a *privileged* canonical power, enjoying an absolutely infallible assistance. Thus they would form a special category of their own. For, on the one hand, they would be irrevocably defined, like the truths of divine faith; and on the other, they would have to be believed on the created authority of the Church, and not, as are truths of divine faith, on the uncreated authority of God. Therefore, between the intellectual assent, based on the authority of God with its object determined *irrevocably* (divine faith), and the intellectual assent based on the canonical authority of the Church with its object determined *prudentially* (moral obedience, religious assent, ecclesiastical faith—"assensus religiosus" as Franzelin well puts it) we should have to admit the existence of an intermediate intellectual assent, based on the canonical authority of the Church, with its object nevertheless determined irrevocably. It was in the sixteenth century that this intermediate assent began to come into vogue—along with the intermediate jurisdictional power it presupposes—it was in the seventeenth century that it was given the name of "ecclesiastical faith" (but with a very different meaning from that in which we take it), and it was in the nineteenth that its idea was generalized.[1]

[1] What is the nature of this "ecclesiastical faith"? Opinions differ. Marin-Sola sums them up thus: "Some hold it as *quasi-divine;* others as *mediately divine;* and others as *indirectly divine.* For a number *it holds an intermediate place between divine faith and human faith;* for some it is *human*,* for others it is *dioino-human* ; and finally there arc those for whom it is not faith at all, whether divine or human, but *knowledge (scientia)* " (op. cit., vol. I, p. 405). In his *Tractatus de Divina Traditione et Scriptura,* Rome 1895, P· I24» Cardinal Franzelin writes: "The infallibility of the Church and of the Roman Pontiff is held as of divine faith on the authority of God revealing. The doctrine which, in virtue of an infallible definition of the Church or of the Sovereign Pontiff, is proposed as true but not as revealed, is believed on the *revealed authority of the intermediary proposing it.* So that the faith that some call ecclesiastical we can call mediately divine." But is it possible to attribute to the absolutely infallible assistance two specifically distinct effects: the one, recognized by all, permitting the Church to intervene as a *condition* in proposing divine faith irrevocably; and the other which would result, according to the theologians here criticized, in transforming the authority of the Church into the *formal motive* of a faith which is not divine, but whose enunciations would also be irrevocable? To Franzelin I reply, following Marin-Sola, that from the Thomist standpoint the act of the ecclesiastical faith thus postulated would be formulated thus: "I believe this truth *because God has revealed* that the Church is infallible in teaching it me." Now, "thus formulated, it is of *divine* faith, although to-day the word 'ecclesiastical' is used" (Marin-Sola, op. cit. p. 417). Propositions defined as dogmas of failli and propositions defined absolutely and irrevocably, but not as revealed, are both of divine faith; they do not differ formally or specifically, but only accidentally (ibid., P· 505)·

4. IN PROPOSING THESE THREE CLASSES OF TRUTHS THE AUTHORITY OF THE CHURCH ONLY CONDITIONS FAITH AND ITS OBJECT; IT IS NOT ITS BASH

In rejecting ecclesiastical faith thus understood, I maintain that truths of the three first degrees arc of divine faith. To believe with divine faith is unreservedly to submit one's mind to Him who said "I am the Truth"; it is to accept what He say's as indubitably true however difficult it may seem to us. Now, He has sent the Church into the world to define the precise meaning of what He would have us believe. The infinite Truth, claiming the assent of our intelligence, is thus the foundation of our faith; and the Church, sent to teach the nations and to preserve without error the meaning of the truths to be believed, is the condition of our faith. As regards the truths of these three first categories we can see exactly in what consists the jurisdictional power of the Church: it docs not provide the basis for, but conditions, the infallible assent of faith. .And nevertheless this is the highest function given it to attain; here it enters into the world of infallibility and there is no longer anything in its own initiative which is not absorbed into the divine assistance; the total responsibility for what is thus taught is assumed by Christ. In dealing with the power of order I have maintained that it is purely instrumental, that it is a pure transmitter, and that its effects are therefore stamped with the likeness not of the instrument, the transmission, but of the holiness of the principal Cause, whose power knows no bounds: it is Christ Himself, true God and true Man, who, through His ministers, baptizes, removes the soul's stains, changes the bread and wine into His Body and Blood—so that the power of order, in the line of its efficacy, is by nature infallible, and no question of a special assistance needed to guarantee it even so much as arises. It is otherwise, as we have noted, with the power of jurisdiction, which proposes things to be believed and done, not in the manner of a pure instrument, but in that of a true second cause enjoying a free initiative; so that the question of divine assistance and of its limits docs in fact arise. When this assistance is absolutely infallible, as in the case of truths belonging to the three first categories, the Church's power ofjurisdiction is raised, so to speak, to the level of the power of order; all that up to then was human initiative is now directly ratified, authenticated and consecrated by God, reabsorbed in a way into the divine light. And just as it is the virtue of Christ, without attenuation or admixture, which, through the seven sacraments, sanctifies the world; so it is the light of Christ, without attenuation or admixture, w'hich, through the magisterium, when infallibly assisted, enlightens the world. It remains that the sacramental power intervenes always as an instrument, as an intermediate suppositum, to communicate grace and the infused virtues; whereas the absolutely infallible magisterium, although it acts as a true second cause, intervenes only as a pure *condition* so as to present the first Truth, its formal object, to the theological virtue of faith, without any intermediate suppositum.

PERMANENT JURISDICTION: FURTHER DIVISIONS

B. The Secondary Speculative Message: Truths Guaranteed Prudentially

Two conditions are required in order that a truth, whether representing a doctrine or a fact, shall be an object of divine faith. First, it must be really included in the revealed deposit, and in addition to this it must be proposed absolutely and irreformably by the Church. But there is a vast field of truths lacking the second or even the first of these conditions, and yet so closely connected with the truths of the faith that human thought cannot refuse them without the more or less immediate and more or less grave danger of misappreciating the truths of the faith itself. There then is a new class of truths. They are not of divine faith. They represent the fourth degree of Catholic doctrine.

I. THESE TRUTHS OF TWO KINDS: INCLUDED OR ANNEXED

i. The first are included in the revealed deposit, but have not yet been irreformably defined.

Examples may be found in any and every theological conclusion—if, that is to say, the content of a genuine theological conclusion is to be regarded as homogeneous and identical "quoad se" with the revealed datum, and distinct from it only conceptually, "quoad nos".[1] In the measure in which they are taught by the best and most enlightened servants of the Church, or received by the Christian sense of the faithful, these theological conclusions are clothed with a prudential authority which, without ever becoming equivalent to an irrefonnable definition, confirms the correctness of the deductive process that gave them birth, brings them to the notice of our filial piety, and makes them still more worthy of our acceptance. Occasionally the Roman Congregations may intervene to declare in some more official way the imprudence of rejecting some one or other of them. Thus a decree of the Holy Office of the 5th June 1918, condemned as unsafe, and therefore as imprudent, the doctrine that hesitates to recognize that Christ, in the course of His mortal life, had all the knowledge of the blessed in His soul, was ignorant of nothing, knew from the beginning in the Word all things past, present and future, and possessed a knowledge that was not limited but universal.[3] In pronouncing on the prudence or imprudence of teaching a doctrine, in view of the need for preserving the revealed deposit

[1] That is the thesis presented by Marin-Sola as truly traditional. The rationally apprehended minor in the theological syllogism is considered as playing a purely instrumental part and as simply developing the content of the revealed major. However, this work of unfolding, being human, remains fallible in so far as it is not guaranteed by an irrefonnable definition of the Church.

[3] If it is revealed that Christ was a perfect Man—if, in other words, He is to be recognized as having all the perfections demanded on the one hand by His personal union with the Word, and on the other by His redemptive mission—it must be concluded that He had beatifying knowledge, i.c., that from the outset His soul enjoyed that unclouded vision of God by which alone He could have had a perfect awareness of His own being, and to which moreover He was to lead not only mankind in general, but each particular man.

—dearly a matter of practical or prudential truth—the jurisdictional power does not yet intend to define or condemn irrevocably the speculative content of this doctrine; but it is also clear that it is not here guided by considerations of mere expediency, that it intends to approve as prudent what is really true and conformable to the revealed deposit, and to reprove as imprudent what is really false and contrary to the deposit; and, in a word, it does notintend to confine itself to a purely exterior and disciplinary measure, but to pass a magisterial judgment. Hence the genuinely speculative and intrinsic value of these decrees, although they are not irreformable.

Turning from the order of doctrine to that of facts, we may cite as an example of those truths which, though not yet defined, may one day be so, the judgment passed on a servant of God in the process of his beatification. It is not a definitive judgment on his sanctity; it amounts directly to no more than a permission to pay him a cultus. When the Church grants this practical permission, she is, in the view of the best theologians, infallible, "errare practice non potest". This means that at the moment things appear in such a light that she certainly does not sin against prudence. That the person in question is in heaven however, and definitively worthy of cultus is, no doubt, already certain, but only with a prudential and reformable certitude, not yet absolutely and irrevocably.1 This certitude is much greater than that which an historian obtains by purely scientific research.

2. Some truths belonging to this fourth category are not even included in the revealed deposit, but are connected with it more or less loosely.

Thus, in the doctrinal order, "the philosophy of St. Thomas is not a dogma; the Church can define as a truth *de fide* only what is contained at least implicitly, in the divine deposit of revelation. Any particular truth professed by the Thomist philosophy may very well be so defined one day (if the Church considers that it was contained in the deposit of faith, and cases have in fact already arisen)—but never the whole philosophy, the whole

1 Concerning die manner in which the authority of the Church is engaged in beatification, John of St. Thomas offers a solution for which some modem theologians still seem to be searching: ** Nihilominus, supposita sententia supra probata quod beatificatio non sit *judicium* de sanctitate alicujus, sed solum permissio ut possit publice coli et venerari, existimo, pontificem *practice* non posse in tali beatificatione, ita quod esset temerarius et scandalosus, qui talem celebrationem negaret, aut talem cultum non esse exhibendum [affirmaret]. Speculative autem, *circa cerilaUm sanctilaiis lalis personaey* existimo quod ex vi solius beatificationis id non excedit latitudinem certitudinis moralis et probabilitatis maximae, ita quod oppositum non esset censura dignum. Et dico * ex vi beatificationis praecise quia ex alio capite, verbi gratia si accedat assensus totius Ecclesiae, aut majoris partis fidelium, multitudo miraculorum facta in confirmationem ejus sanctitatis, et hoc longo tempore sit continuatum, ex parte fiet longe certius, et qui negaret sanctitatem talis personae cum his circumstantiis, esset censura temeritatis dignus" (II-II, q. 1-7; disp. 3, a. 2, no. 19, vol. VII, p. 302). A little earlier in die same work (no. 2, p. 293), John of St. Thomas poses the question, whether canonization and beatification are distinguished in such a way tliat the first is a judgment and the second a permission on the part of the Sovereign Pontiff, and upholds the view that beatification is in fact not an irrevocable judgment, *Judicium dctamuiaticum,* but a simple permission. However, a permissive judgment is still a judgment, and John of St. Thomas has just affirmed that here the Sovereign Pontiff acts without error in the practical sphere. We may then say that beatification is indeed a judgment on the part of the Sovereign Pontiff, not indeed definitive and irrevocable, but prudential and réformable.

corpus of Thoniist doctrine". And yet the Church "orders her masters to teach the philosophy of St. Thomas; by that very fact she recommends the faithful to adhere to it, she throws every possible light on that philosophy, makes use of every kind of signal, cries out: there you will find the running waters! She exercises no compulsion, forces nobody to go".1 Such a recommendation sets up a presumption in favour of the truth of the Thomist philosophy, which is, for the faithful, of great weight.

In the order of facts numerous assertions concerning the authenticity of miracles, of private revelations, of apparitions, or of the relics of canonized saints, can be put into this fourth category.2

2. THE EXISTENCE OF Λ PRUDENTIAL AUTHORITY

That the doctrinal magisterium, over and above its primary mission, which is to define certain truths with absolute authority and irrevocably, has a secondary mission, which is to teach other truths with a prudential authority and not irrevocably, is a point of doctrine that is certain.

In the treatise *De Locis Theologicis,* theologians unanimously distinguish on the one hand those organs by which the magisterium *can,* when it acts

1J. Maritain, *St. Thomas Aquinas,* trans. J. F. Scanlan, London 1930, pp. 168-9. c^. ûx/. *Jur. Can.* can. 1366, §2.

2 " Canonization is one thing, miracles, private revelations, apparitions, historical happenings, or the authenticity of relics, are another. When the Church approves the miracles of a saint during die process of canonization, or inserts them in the breviary lessons, when she institutes a special feast in honour of the apparition of a saint—e.g. the apparition of the Virgin at Lourdes or that of St. Michael the Archangel, the translation of the Holy House of Loretto, etc.—when she approves the private revelations of a saint—e.g. those of St. Brigid—or the authenticity and cultus of their relics, it is a very common opinion that these miracles, apparitions, revelations, historical facts, approbations of relics, arc not infallibly defined although they deserve that pious adhesion and respect due to all the teachings, even fallible, of the Church " (F. Marin-Sola, O.P., *L'Evolution homogène du dogme catholique,* vol. I, p. 482). The author here cites Père Bainvel, S.J., *De Magisterio Vin et Traditione,* no. 107: " Cum Ecclesia inquirit aut pronuntiat de revelationibus, apparitionibus, miraculis, non intendit habere nisi probabilitatem aut certitudinem humanam, caquc practicam, quae scilicet satis sit ad fovendum cultum. Item cum dc authcnticitatc reliquiarum." On the presentation of Our Lady in the Temple he cites the words of Benedict XIV: "Alia vero sic ad *religionem* pertinent, ut sine culpabili arrogantia rejici minime possint, ex. gr., quod beatissima Virgo fuerit in Templo praesentata. /Atque his quidem Ecclesia non tribuit gradum veritatis indubitatae, quamvis aliter, saltem publice, docere non liceat: in his quippe requiritur solum practice veritatis ratio, congruentia videlicet cum praescriptione prudentis rationis " *(De Senorum Dei Btatificalione,* lib. I, cap. xliii). At the end of the Encyclical *Pascendi* Pius X touches on the question of the authenticity of relics, of pious traditions, apparitions and private revelations. Concerning relics, the Pope refers to the earlier rule of the Sacred Congregation of Indulgences: " .Ancient relics ought to be kept in all the veneration given them heretofore, unless perhaps in some particular case there arc convincing reasons for holding them to be spurious." Concerning pious traditions, the Pope observes that " the Church gives no guarantee of the truth of fact; she simply refrains from forbidding belief when some motives for human faith arc not wanting". On the subject of apparitions and particular revelations he cites a reply of the Sacred Congregation of Rites dated 12th May 1877 that " these apparitions or revelations [at Lourdes, La Salctte, etc.] have neither been approved nor condemned by the Apostolic See, which has merely permitted them to be believed with purely human faith, as corroborated by witnesses and monuments worthy of credence". The Pope goes on to remark that " whoever holds this doctrine is safe. For the cultus directed to any of these apparitions, in so far as it looks to the fact itself, is relative and always implies the truth of the fact as its condition; but in so far as it is addressed to the very person of the saints honoured, it is absolute and cannot but be well-founded. The same may be said of relics".

"suprema intensione" (Franzclin's term), speak with absolute authority and irrevocably—the Sovereign Pontiff teaching alone (solemn magisterium not communicable to the Roman Congregations), the Sovereign Pontiff teaching conjointly with the bishops assembled in General Council (solemn magisterium), the Sovereign Pontiff teaching conjointly with the bishops dispersed through the world (ordinary magisterium)—and, on the other hand, the organs by which the magisterium can speak only with a prudential authority and in a non-definitive way—and here wc have either the Roman Congregations, or the Fathers, Doctors and theologians in the measure in which they have the confidence of the Church, since it is from her that they have their authority.[1] Hence the division of theological sources or organs that set out the revealed deposit into absolute or decisive on the one hand, and "probable" or claiming our assent on the other.

To come down to detail, the authority of doctrinal decisions put out by the canonical power has been the subject of express declarations. In the apostolic letter *Tuas Libenter* addressed on the 21st December 1863 to the Archbishop of Munich, Pius IX drew attention to the duty of Catholic scholars to recognize both the teaching of the pontifical congregations and the common teaching of theologians: "It is not enough for Catholic scholars to accept and venerate the dogmas of the Church, they ought further to submit themselves both to the doctrinal decisions of the pontifical congregations, and to points of doctrine which by common and constant consent arc held in the Church to be truths and theological conclusions so certain that the contrary opinions, although they cannot be qualified as heretical, yet desen e some other note of theological censure."[2] As Franzelin remarks, there is question here not of doctrinal censures formulated iti an irrevocable judgment of the Church and to be believed as of divine faith,[3] but of common and constant theological truths which all Catholics should gladly receive. The Vatican Council, in its turn, proclaimed at the end of the constitution *Dei Filius,* the authority of all the decisions of the Holy See: "Since to avoid heretical pen-ersion we must be careful to turn our backs on errors that more or less approximate to it, we draw attention to the duty that lies upon all to observe also the constitutions and decrees by which those nefarious doctrines, not expressly mentioned here, have been proscribed and condemned by the Holy See."[4] The whole of this passage is reproduced in the

[1] " Quia et ipsa doctrina catholicorum doctorum ab Ecclesia auctoritatem habet. Unde magis standum est auctoritati Ecclesiae quam auctoritati vel Augustini, vel Hieronymi, vel cujuscumque doctoris" (St. Thomas, II–IIx q. io, a. 12).

[3] Denz. 1684. Cf. His Holiness Pope Pius XII, encyclical *Humani Generis,* 12 August 1950: "It is not to be believed that what is set forth in encyclicals docs not in itself claim assent.. (AA.Sn ■Woo, P· 5θθ)·

• Franzelin says " Fidei immediate *vel mediale* divinae " *(Tractatus de divina Traditione et Scriptura,* p. 142), this mediately divine faith being that which others—Billot, for example—call " ecclesiastical faith

[4] Denz. 1820. This text presupposes, as Vacant notes, " that the Sovereign Pontiff can exercise at least a part of his doctrinal authority through the tribunals he establishes, and in particular through die Roman Congregations. The text, in fact, docs not lay down that we are bound to keep the constitutions and decrees of the Sovereign Pontiff, but those of the Holy See. Now the

Code of Canon Law (can. 1324). Here we might cite also the seventh and eighth propositions condemned by the decree *Lamentabili* of the 3rd July 1907: "The Church, when condemning errors, cannot ask the faithful to give an interior assent to the judgment passed"; "Those who take no notice of condemnations put out by the Sacred Congregation of the Index, or by the other Roman Congregations, are to be held to be guiltless of all fault"1; there is also the passage in the *Motu Proprio* of the 18th November of the same year, in which Pius X declares that "all, without exception, are bound in conscience to obey the doctrinal decisions of the pontifical Biblical Commission, both those already issued and those to be issued, in the same way as they are bound to obey the decrees of the Sacred Congregations approved by the Sovereign Pontiff".2

β. PRUDENTIAL AUTHORITY THE BASIS OF RELIGIOUS ASSENT

Thus then, God has not left us without guidance in the immense accumulation of ideas bearing on the speculative life, on private, economic and political morality, on artistic activity, in the spheres into which the full light of revelation has not yet descended and in wliich nevertheless convictions are formed, syntheses elaborated and decisive choices taken which may either open or obstruct the road to the fullness of the faith. He helps us through His Church to whom He entrusts a new mission, no longer that of irrevocably defining the data of the faith, but that of prudentially marking the truths which point towards the things of faith or the errors that turn men away from it, that of ratifying or rejecting certain suggestions of the theologians and the philosophers and certain beliefs of popular piety.

In this sphere the Church acts no longer in virtue of her declaratory power, as a simple messenger or mandatory for utterances of divine origin. She acts now in virtue of her canonical power, as promulgator of what can fittingly be taught and believed if the minds of the faithful arc to be kept from the dangers that threaten their faith. It is this magisterial authority of the canonical power that Franzelin proposes to call an "authority of universal ecclesiastical providence".3

In these matters the Church no longer acts merely to *condition* assent, as in matters of divine faith; she is herself the *immediate basis* of an assent (the mediate basis being God, who rules the Church) which on this account may

decrees that emanate from the Roman Congregations are very certainly to be reckoned among those of the Holy Sec. It is clear how wide is the scope of this declaration on submission to all the doctrinal decisions of the Holy See" (*Études l/Mogiques sur les constitutions du concile du Vatican,* Paris 1895, vol. II, p. 334).

1 Denz. 2007 and 2008.

2 Denz. 2113.

3 Tliis authority of *universal ecclesiastical and doctrinal* providence, which resides in the Sovereign Pontiff, is distinguished from the authority of *particular* providence held by the bishops " to preach and defend the doctrine already proposed by an express definition, or by the consent of the Church, or by the decisions of the universal ecclesiastical providence, but not for settling questions freely debated amongst Catholics" (Franzelin, op. cit., pp. 128 and 153).

be called ecclesiastical obedience, ecclesiastical faith, religious assent, pious assent.1

It is our duty to recognize divine authority not only in itself, but also in the teachers it has pleased it to give us. He whom we bow before is, in both cases, God, although the submission is not, in both cases, of the same species. Obedience based immediately on the uncreated Truth is of the theological order; that given to the master appointed us is of the moral order. And this obedience will be so much the better as the magisterium is the higher and the more sacred. If the magisterium be natural, the obedience will be, in itself, natural. If the magisterium is realized analogically and supematurally, the virtue of docility and obedience will be realized analogically and supernaturally. Consequently, since the magisterium of the canonical power is supernatural, the intellectual and interior obedience due to it in conscience belongs also to the supernatural order. Ecclesiastical faith, thus understood, is a supernatural moral virtue, a supernatural obedience.

4. TWO FORMS OF PRUDENTIAL ASSISTANCE: INFALLIBLE AND FALLIBLE

While the declaratory magisterium is assisted in an absolute manner, the simply canonical magisterium is assisted only in a relative or prudential manner. This latter magisterium pronounces directly on the prudential character of a teaching, of a proposition. What it says is that it is prudent to adhere interiorly to such and such a teaching and rash to refuse to do so. And undoubtedly an interior adhesion to a teaching will appear to be prudent only w'hen this teaching seems to be intrinsically true; and there are strong reasons why a teaching which has once seemed to be true to a providentially assisted magisterium should continue to seem true afterwards and always. Nevertheless, the speculative content of this teaching remains reformable. It is guaranteed only in a practical and prudential manner, by way of consequence and indirectly.

How are we to understand the assistance, divine, but relative and prudential, promised to the magisterium when it teaches truths of the fourth degree? Is it infallible, and arc we sure that the magisterium will never pronounce without prudence in any one of its teachings? Or will it be, on the contrary', fallible, and can the magisterium sin against prudence in a given case? Either situation can arise.

1 With no claim to a divine or infallible faith the pontifical teachings not expressly put forth as infallible nevertheless always deserve a human faith, and an internal and assured human faith, whenever it is not evident (and it very seldom is so) that the Church is in fact deceived. It is this human faith accorded to the non-infallible teachings of the Church, and in our days called pious assent, which should be named *ecclesiasticalfaith,* just as the human and variable laws of the Church are called ecclesiastical laws to distinguish them from laws that are really divine and unchangeable " (F. Marin-Sola, *L'Evolution homogène du dogme catholique,* vol. I, p. 429; cf. p. 479, note 1). I therefore distinguish only two species of assent: divine faith, and ecclesiastical faith (or pious assent). Many make it three: divine faith, ecclesiastical or mediately divine faith, and pious assent. In this triple division the intermediate category should, in my opinion, be included in the first.

PERMANENT JURISDICTION: FURTHER DIVISIONS

If it is a question of teachings universally and constantly proposed to the faithful and often recalled by the Church; if, more generally, it is a case of teachings in which the Church intends fully to engage the prudential authority she has to feed Christ's sheep, to determine what is apt to bring minds nearer to or turn them away from the faith, wc shall not hesitate to say that the magisterium proposes them in virtue of a practical prudential assistance which is truly and properly infallible, so that we can be sure of the prudence of each of these teachings, and in consequence practically sure of their intrinsic and speculative truth. To adopt a phrase of Franzelin's, if there is as yet no infallible irrevocable truth, "veritas infallibilis", there is nevertheless an infallible assurance, "infallibilis securitas". Such, for example, arc the prescriptions recalling that Sacred Scripture should be interpreted in the light of the Fathers and Doctors; the law of the Code ordering professors in seminaries to teach philosophy and theology conformably with the method, doctrine and principles of the Angelic Doctor; the judgment by which a servant of God is declared blessed, etc.1

If, on the contrary, there is question of teachings proposed without this universality and this constancy, of solutions of recent problems not yet generalized by the Church, in which she does not intend fully to engage her prudential authority, then we shall say that the magisterium proposes them only in a fallible manner.2 If there is infallible assistance here, it is infallible only in the improper sense, and that means that the magisterium is assisted, not for each determinate case, *singillatim, divisive,* but for the generality of cases, *in commune, collective.* It is certain, for example, that the decisions of the Biblical Commission, taken as a whole, defend the authentic meaning of the Bible and its divine character, with assured prudence.

1 Wc have drawn attention already to the opinion of John of Su Thomas: " Existimo pontificem practice errare non posse in tali beatificationc."

1A celebrated example may be cited to show that the Church intends to guarantee only in a fallible prudential manner the speculative truth of these pronouncements. On the 13th January 1897, the Congregation of the Inquisition, having been asked whether " the authenticity of 1 John v. 7, could be safely denied or doubted ", replied in the negative. On the 2nd January 1927 the same Congregation published officially a private declaration, given, it said, at the outset and often since repeated, by the terms of which " the preceding decree was issued to reprove the audacity of private teachers who arrogated to themselves the right to reject absolutely, or to throw grave doubts on, the authenticity of the passage of St. John. But it did not in any way intend to prevent Catholic writers from studying the question more thoroughly nor, after carefully weighing die arguments for and against, from inclining, with all the moderation and modesty called for by the gravity of the matter, towards the opinion unfavourable to its genuineness, provided they declared themselves ready to obey the judgment of the Church, to whom has been entrusted the duty not only of interpreting but also of faithfully guarding the sacred Epistles " *{Enchiridion Biblicum,* Rome 1927, p. 47). The reply of the Inquisition on this point of exegesis did not represent a universal and constant teaching of die Church. Moreover a decision of the Roman Congregations is powerless, as such and of itself alone, fully to engage, were this only in a purely prudential manner, the authority of the Church. The still more celebrated difficulty occasioned by the condemnation of Galileo must be resolved in the same way: die sentence of excommunication was certainly doctrinal, but it was clear enough, even to contemporaries, that it came from a fallible authority, cf. Excursus IV. which follows below.

EXCURSUS VI

THE CONDEMNATION OF GALILEO

(1) /VI theologians agree that the acts of the doctrinal magisterium arc divided into two major categories.

The first comprises those acts by which the magisterium intends to pronounce directly and irrevocably on the truth or the falsity of a doctrinal assertion. Then the proposition defined is absolutely true; and the proposition condemned as erroneous, or heretical, is absolutely erroneous or heretical. Such magisterial acts suppose the intervention of an absolute divine assistance.

The second category comprises acts by which the magisterium intends to pronounce directly only on the safety and the prudence, or on the danger and imprudence, of such and such a doctrine as professed by a believer. The meaning of the magisterial intervention is now this: In the given circumstances, in the present state of science, it is prudent and safe to regard such and such a proposition as true, comformable to Holy Scripture, and so forth. Or, it is prudent and safe to regard this proposition as rash, erroneous, contrary to Holy Scripture and so forth. Such magisterial acts suppose the intervention of a divine assistance solely relative or prudential (cf. L. Choupin, S.J., *Valeur des decisions doctrinales et disciplinaires du saint siège,* Paris 1913, p. 84'*.

But, it must be added, this category' of prudential acts must itself be subdivided:

Either, the magisterium intends to engage its authority fully, for example in proposing the great teachings approved in the Church in a universal and constant manner; it will speak, as Franzelin says, with "infallible assurance". It will teach, without *ever* sinning against prudence, that it is safe and prudent to regard such a proposition as true, in conformity with Scripture, and such another as false, or contrary to Scripture. In this it will be supported by an *infallible* prudential assistance.

Or, the magisterium vsrill *not* intend fully to engage its authority, for example when it proposes teachings that are not approved in the Church in a manner so universal and so constant. It will remain fallible, and will be infallible only in the improper sense, that is to say that it wall teach, without sinning against prudence *in the majority of cases,* that it is safe and prudent to regard such and such a proposition as true and in conformity with Scripture, or as false and contrary to Scripture; but it *can* sin against prudence, and occasionally it will do so, for it is now supported only by a*fallible* prudential assistance.

So there are three sorts of teachings: the first, infallibly guaranteeing the absolute and irrcformable truth of a doctrinal proposition; the second, infallibly guaranteeing the safety and prudence of a doctrinal proposition; the third, fallibly guaranteeing the safety and prudence of a doctrinal proposition. To these three kinds of teachings correspond the three species of divine assistance promised to the magisterium: absolute assistance, infallible prudential assistance, and fallible prudential assistance. ;

(2) If it is to be held to be incompatible with the infallibility of the Roman Pontiff as solemnly defined at the Vatican Council, the condemnation of Galileo will have to be presented as an act of the declaratory power, as a sentence pronounced directly by the Pope in an absolute and irrcformable manner.

In point of fact it came only from the canonical and prudential power. Was it even fully engaged? If so, we should be bound to prove that the Roman Congregations then committed no imprudence, and that they were right in denying, not indeed the truth but the opportuneness of the heliocentric thesis. I shall not attempt to prove this. I agree, on the contrary, that the condemnation of Galileo was imprudent.

It belonged therefore to the class of fallible prudential decrees, decrees that do not fully engage the authority of the magisterium. This much was clear from the outset. For the decrees of the Roman Congregations can be approved by the Pope in two ways. First, in the common way, *in forma cammuni:* they are then undoubtedly acts of the Holy Sec, of which the Congregations are an organ, but emanating directly from the Congregations and issued in their name. Secondly, in a special manner, *in forma specifica,* when the Pope expressly adopts these decrees and issues them in his own name, using for example the following formulas: "By our own authority, of our certain knowledge, in the plenitude of our apostolic power." These last decrees are the only ones in which any question of prudential infallibility arises (absolute infallibility cannot come in question save when the Pope manifests his will to settle a question by definitive irrevocable sentence). Now, the decrees against Galileo, issued in 1616 by the Congregation of the Index, and in 1633 by the Congregation of the Inquisition, were approved only in a general way, *in forma communi.* The assistance to which they can lay claim was therefore only fallible (cf. L. Choupin, op. cit., pp. 70, 79, 166, 173).

(3) Let us briefly recall the facts. The Congregation of the Index prepared, in February 1616, a decree declaring the heliocentric thesis to be formally heretical. Then on the 25th February, a disciplinary' measure was taken against Galileo: he was summoned to Bellarmine's apartment and notified in the name of the Pope and the Congregation of the Inquisition, that since his astronomical doctrine appeared to be formally heretical, he was not to maintain it and treat of it in any way, either *viva voce* or in writing. Galileo submitted. On the 5th March 1616, die decree prepared by die Congregation of the Index against the heliocentric thesis was promulgated, and three works in which this thesis was maintained were condemned; with no mention however of that of Galileo. Finally, on the 22nd June 1633, the Congregation of the Inquisition or Holy Office, having first detailed the proceedings of 1616, formulated a sentence under which Galileo "vehemently suspected of heresy for having held and believed the doctrine, which is false and contrary' to Holy Scripture, that the sun is the centre of the world", and "for having held and believed that a doctrine which has been declared and defined as contrary' to the Holy Scriptures can still be held and defended as probable", incurs all the censures provided by the law against such delinquents. He is absolved from these penalties provided that he detests and denounces "the aforesaid errors and heresies". Nevertheless, that his previous disobedience might not go unpunished, Galileo was condemned to certain penalties.

The decree of the 5th March 1616 was not, of course, a *dogmatic* decree issued in irrcformable matter by an infallible authority'; but it was certainly a *doctrinal* decree, issued in rcformable matter by a fallible authority. Choupin wrongly believes that not being dogmatic the decree must needs be disciplinary: "It was a purely disciplinary' decree, although resting on considerations of a doctrinal order; the Congregation of the Index is absolutely incompetent to issue dogmatic decrees" (op. cit., p. 165). The decree of the 22nd June 1633 was simultaneously

doctrinal (the heliocentric diesis was judged to be contrary to Scripture) and disciplinary (Galileo was condemned to imprisonment and given a penance).

(4) Fallible as they were, these decrees were not without authority. To what, in conscience, did they oblige?

In themselves, they made obligatory' in the first place die fulfilment of the exterior penalties prescribed. They made it obligatory furthermore under pain of a sin against prudence—not a *certain* one, since they were not prudcntially infallible, but a very' *probable* one at least—to take the geocentric thesis for the present as true and revealed in Scripture, and the heliocentric one as false and opposed to Scripture. It remained that they might possibly be erroneous.

The possibility of proving the heliocentric theory' remained open. (The publication of such a proof was subject to the duty' of not giving scandal.) And anyone in possession of or publishing this proof would, *ipso facto,* possess or publish the proof diat the heliocentric theory was neidier heretical nor contrary to Scripture, since scientific truth cannot contradict revealed truth. That is what St. Robert Bellarmine said in a letter which he addressed on the 12th April 1615 to another Copernican, the Carmelite, Paul Antonio Foscarini: "I say that, if there is a true demonstradon that the sun is at the centre of the world and the earth in the third heaven, that the sun does not revolve around the earth, but the earth around the sun, then we should have to apply much circumspection in explaining those passages of Scripture which seem to speak otherwise, and to admit that we do not understand them rather than declare that what is demonstrated is false. But I shall not believe in the existence of such a demonstration until it is shown me; and to prove that, by supposing the sun at the centre and the earth in the heaven, we can save the appearances is not the same thing as proving that the sun is at the centre in reality. The first demonstration I believe to be possible; but as for the second I very' much doubt it; and in a case of doubt wc ought not to abandon the interpretation of Scripture given by the holy Fathers" (cited by Vacandard, art. "Galilee", *Diet, de thiol, cathol.,* col. 1062).

If therefore Galileo was in possession of the proof of the heliocentric thesis he could not be bound in conscience to disavow it interiorly, and the error of the Holy Office was to constrain him to do so. But was he in possession of this proof? "Galileo, as Laplace the astronomer said, supported this theory by *analogies·.* rotation of the sun, phases of Venus, movement of the satellites of Jupiter. Such proofs by analogy have their weight; even to-day, two centuries after Galileo, they constitute one of the principal reasons for believing in the rotation of the earth. But these reasons, convincing perhaps for an intuitive genius like the Florentine scientist, were not sufficiently brought to the fore by him; he wrongly preferred to rely on proofs of much less value or even arguments that were quite false. That alone, from the scientific standpoint, was enough to excuse the attitude of his adversaries, and their final dismissal of his case" (Pierre de Vrcgille, art. "Galilée", *Diet. apol. de la foi cathol.,* col. 168; cf. col. 191).

(5) Prudence demanded that the decrees should be received as true (they *could* be untrue, but very' probably they were true) as long as there was no clear certainty of their error. In fact, they' were erroneous and imprudent. Where precisely were the authors of these fallible decrees at fault?

They lacked the courage needed to detach the question of Scripture at once from the dispute over the geocentric issue. That, it seems, would have been the prudent thing to do. "Cardinal Baronius", wrote Galileo to the Grand Duchess

of Tuscany, "used to say that God did not wish to teach us how the heavens go, but how we arc to go to heaven." One wishes that all the theologians of that day had spoken like Cardinal Baronius ! Then they would not have involved the fallible magisterium of the Congregations in a prudential and doctrinal error.

St. Robert Bellarmine considered that, till proof to the contrary should be forthcoming, the true meaning of Scripture was represented by the geocentric thesis. So did most theologians, Catholic and Protestant. And the Bible undoubtedly says that "the sun riseth and goeth down and returneth to his place, and there rising again, maketh his round by the south and turneth again to the north" (Eccles, i. 5). But they should have remembered and applied the great exegetieal principles laid down by men like St. Augustine and St. Thomas Aquinas—namely that the Holy Spirit did not set out to teach men the inner constitution of nature, but what may be useful for salvation (St. Augustine), and that the Bible speaks of nature according to the sensible appearances (St. Thomas). When Galileo wanted to avail himself of these principles (cf. Vacandard, loc. cit., col. 1080), many theologians failed to recognize them. These same principles however were to be recalled, in a more authoritative manner, no doubt, by Leo XIII in the Encyclical *Providentissimus,* of the 18th November 1893.

(6) Let us note that if Galileo seemed to understand better than Bellarmine that the Bible speaks of natural phenomena only according to the appearances, Bellarmine seemed to understand better than Galileo that astronomical science (and so also the new physics, which was a science of the same type) aims less at making known *what is* than at "saving the appearances". Because its empiriological character was at first overlooked by the scientists "physico-mathematical science, when perverted from its true nature and erected into a system of metaphysics, of absolute knowledge of reality (and therefore of mechanistic philosophy, of which only Spinoza was later to provide the perfect form) was bound to turn into heresy and to constitute a great danger for the human mind" (J. Maritain, *The Things That Are Not Caesar's,* trans. J. F. Scanlan, London 1939, P· !99)- There lay the danger—of an order other than scientific—which science, as Galileo understood it, was bringing on the Church.

As Hartmann Grisar, S.J., seems to have established in *Galileistudien* (Ratisbon 1882, p. 337 ct seq.) astronomical science, on the whole, suffered neither arrest nor regression on account of the condemnation of Galileo, not even among Catholic scientists. They did not cease to develop the Copernican system, doing it good service in fact by treating it as a mere "hypothesis". As to those among them whose researches were really hindered by an over-scrupulous submission to the decrees of the Holy Office, Grisar defends them by saying that the supernatural good of obedience takes precedence in the world's history over the natural good of scientific truth. This consideration is based on the fact that God knows how to draw good out of evil, a fact that we can easily recognize without ceasing to regret the double error, exegetieal and scientific, committed by so high a tribunal.

(7) The decrees concerning Galileo, having been approved only in the common form, are fallible. Are they, as I have asserted, magisterial and doctrinal—that is to say, do they recommend the acceptance of a doctrine or condemn a doctrine as heretical, verging on heresy, or erroneous? Or were they, as some have thought it possible to maintain, merely disciplinary, involving only the application of a sanction, the imposition of an external penance?

Whatever opinion is here adopted I do not believe that it will essentially modify the problem raised by the condemnation, or the solution required. To me it seems clear however that the decree of 1616 was doctrinal, and that of 1633 both doctrinal and disciplinary. E

In his work *L'Inquisition et l'hérésie, distinction de l'hérésie théologique et de Vhéresù inquisitoriale: à propos de Γaffaire Galilée,* Paris 1912, the Abbé Léon Garzend tries to establish that the sentence of 1633 was purely disciplinary. After a close examination of the sentence he points out, on the one hand, three facts which tend to prove that the ecclesiastical judges of 1633 did *not* take the opinion that the earth moves for a genuine heresy (e.g. Galileo was condemned as "suspected of heresy", not as a formal heretic) ; and, on the other hand, certain facts which seem to show that they considered him as heretical (e.g. he was ordered to abjure "the said errors and heresies"). There is therefore an apparent contradiction in the sentence. It would be removed by the fact that in the days of the Inquisition there were two notions of heresy: theological, which is what we should still call heresy to-day and alone was punished by burning; and inquisitorial, of wider scope, containing everything which, without being strictly and formally heretical, was considered as imperilling the faith and was therefore a subject for penalties or even preventive measures. Hence Garzend's conclusion: "Galileo and his theories were inquisitorially heretical; but neither he nor they were so according to the doctrine of the contemporary' theologians. The judges of 1633 were thinking of Galileo as heretical in the inquisitorial sense and as non-heretical in the theological sense; and this occasioned the apparent contradiction in the sentence. The declaration of heresy against Copemicanism in the sentence envisaging only inquisitorial heresy, and this being different from doctrinal, a Pope could order its promulgation even though Copemicanism had only disciplinary decisions against it" (op. cit., p. 429). But, in fact, to overcome what Garzend calls a contradiction it would be enough to admit that the judges of 1633 condemned Galileo as suspect of having adhered to theses which, to them, appeared to be certainly heretical.

(8) To conclude. The anti-Galilcan decrees were not guaranteed either as *absolute* and irreformablc, or even as *infallibly prudent.* They could claim no more than a fallible assistance. According to Garzend it should be said that the judges of 1633 condemned Galileo, not for having doubtfully adhered to what for these judges was certainly a heresy', but for having certainly adhered to what seemed to them to deserve some lower note than heresy, e.g. the note of temerity'. Garzend cites elsewhere many theologians of the time who, like Bellarmine, did not, for their own part, consider the Galilean hypothesis as certainly irreconcilable with the faith (Garzend however recognizes that the judges of 1633 applied to Galileo the penalty provided for the case where the delinquent admits the heretical fact but denies his heretical intention, although he is under strong suspicion: ibid., p. 32). Garzend consequently thinks that the sentence of 1633 should be regarded as purely disciplinary. I think, on the contrary', that it was at once doctrinal and disciplinary'. It was doctrinal because it condemned the heliocentric thesis as "contrary to Scripture". It would still have been so had it qualified this thesis with some lesser note than heresy. But, and this is the essential thing, it was evident even to all contemporary opinion that this doctrinal condemnation was issued in revocable matter, and by a fallible authority.

2. *THE POWER TO PROPOSE PRACTICAL TRUTH*

What Jesus entrusted to the Apostles and their successors was the whole sum of the truth to which He bore witness. The teaching to be carried to the nations was concerned not only -with *what is,* but also with *what is to be done*—by what ways wc may come to our last end. There is therefore an authority assisted till the end of time, competent to announce in Jesus' name both speculative and practical truth, both faith and morals. We are now to discuss this second task of the magisterium, its task in the practical field. And to bring out its various titles to rule in this domain we must first trace some of the great divisions in the field of Christian morals.

A. Division of Christian Moral Precepts

I. PRECEPTS OF THE HUMAN ORDER

The highest precepts of all, St. Thomas says, are the first principles of the natural law:1 good must be done, evil avoided, man should act like a reasonable being, not like a beast, and so on. All human morality turns on these fundamental principles, which are as the imprint of the eternal law on our hearts.

The secondary principles of the natural law make up a second class: no innocent man is to be killed, all debts should be paid, polygamy is forbidden, and so on. They arc implicit in the primary precepts. They flow from these as necessary conclusions. Wc pass from one to the other, not by addition of matter from without but by simple unfolding of what is already given; and if a process of reasoning is required it does not produce, but simply manifests, the truth of the conclusion. We remain therefore on the plane the of natural and imprescriptible law, that is to say of precepts of which God is the immediate Author.

But since God inclines men to a development of their life which is not possible save in a social state, and so under the direction of an authority, a power, we may here recognize the source—fallible no doubt, but providential—of a new order of precepts. This is positive law. Its highest but indirect source is the Author of human nature Himself; its second, immediate and fallible source is the prince, the sovereign, the State. The whole rôle of positive law is, in a way, to extend and prolong the natural law, to carry its light, however enfeebled, as far as it will go. Its precepts arc of two kinds.

The first are drawn from natural law by way of consequence; doubtless not necessary (not as the secondary precepts of the natural law result from the primary') but at any rate congruent. The right of private property, for example, will be established thus: human life supposes the cultivation of the soil; but when the soil belongs to all and none, it is bound to be badly cultivated; so that anything like an advanced state of civilization will require it to be parcelled out among many possessors. This conclusion is not an

1I–II, qq. 94 and 95.

absolutely universal truth, admitting of no exceptions—the Trappists cultivate their fields in common—but it is sufficiently universal to admit of only rare exceptions, to impose itself gradually on all peoples, and to pertain at last to what St. Thomas calls the "jus gentium", or human law.[1]

Other precepts are drawn from the natural law by way of determination: a murderer ought to be punished—but by what punishment, death or imprisonment? A hidden treasure is found in a field—does it belong to the finder or to the owner of the field? Several answers arc possible; the prince will choose that which seems most to favour the common good, and thenceforward it will be the only just one. Such are the determinations of the "civil law".

Thus under the head of natural morality there fall four great types of precept. The first two are covered by the natural law, that is by those precepts that God has imprinted on men's hearts. The last two are covered by the positive law, that is to say by the precepts of human law and the civil law, promulgated immediately by a fallible human aùthority, but one that God commands us to obey.

2. PRECEPTS OF THE CHRISTIAN ORDER

The foregoing division of the precepts of the purely human order will help us to classify those that fall under the Christian moral order.

The first group will consist of all those precepts that were directly revealed by God. They play a part in the supernatural moral order analogous to that of the first principles of the natural law: they are the fundamental precepts on which all the rest in some way or other depend. To enumerate them completely is impossible; the Bible is full of them. Some are addressed to special or restricted classes, such as the counsels: "If thou wouldst be perfect, go, sell all thou hast and give to the poor"; and some are common, addressed to all, such as the commandments: "Thou shalt love the Lord thy God with thy whole heart and with thy whole soul, and with thy whole mind, and thy neighbour as thyself." If these precepts ratify those of the natural order (those given on Sinai are, in themselves, knowable by reason), and ratify too the temporal duties that concern the family and the state, they add heavenly reasons for their observance. This first group furthermore proclaims more

[1] cf. Billuart: u Ad *legem naturae* pertinent non solum principia sed etiam conclusiones ex eis *necessarie,* sive proxime sive remote, deductae . . . quia tam principia moralia quam conclusiones quae cum his habent necessariam connexionem praecipiunt ea quae per se et secluso omni jure positivo sunt bona, et prohibent quae per se et secluso omni jure positivo sunt mala " *(TracL de Legibus,* dissert. 2, a. 3). Further on the *jus gentium* is distinguished from natural law: " Quae sunt *juris gentium* inferuntur ex jurac naturae per necessariam consequentiam, tamquam conclusiones ex natura rei simpliciter *necessariae:* Nego! Per consequentiam non necessariam, neque ut conclusiones simpliciter necessariae, sed ut *congruentes:* Concedo!" *(Tract, de Jure et Justitia,* dissert. 1, a. 2). For St. Thomas, private property pertains formally to human law, but radically to the natural law. The Encyclical *Rerum Xotarum* would not appear to say anything different: " Possidere res privatim ut suas, jus est homini a natura datum . . . Privatas possessiones plane esse secundum naturam . . . Jus dominii, personis singularibus, natura tributum . . Of the precepts of human law St. Thomas writes that they bind " non tanquam sint solum lege posita, sed habent etiam aliquid rigoris ex lege naturali " (I-II, q. 95, a. 2).

sublime duties relating to the infused virtues, theological and moral—these latter surpassing anything the pagans dreamed of—and to the sacramental power: "Amen, amen, I say unto you: Except you cat the flesh of the Son of Man, and drink his blood, you shall not have life in you"; and again to the jurisdictional power: "Whoso hearcth you, hearcth me; whoso despiseth you, despiseth me; and whoso despiseth me, despiseth him that sent me."

Into the second group we shall put all precepts implicitly, but of course really, contained in the foregoing, precepts which the Church proposes either as revealed or at least as irrcformably true. In promulgating them explicitly the Church adds no new revelation to the primitive deposit, she merely brings out its contents into the light of day. It is explicitly revealed that Our Lord, before ascending to heaven, made His Apostles and their successors true *judges* of sins, for the purpose of forgiving or retaining them (John xx. 22), and it is thereby implicitly revealed that an exact avowal of sins, without which all judgment would be impossible, is of obligation for the sinner. There then we have a practical truth implicitly contained in the Gospel, and taught as revealed by the Council of Trent.[1] As examples of practical truths taught not as revealed but nevertheless as infallibly and irreformably true, we may cite the condemnations issued by Pius VI of certain propositions on the duel—as that a soldier accepting a challenge from fear of discredit in the army and loss of his livelihood is without sin; that to avoid dishonour one can accept or provoke a duel provided one is sure in advance that it will be stopped; etc.[3]

The precepts of these first two groups belong to the revealed deposit. The Church is their bearer, but not their promulgator. She proclaims them all—including those that concern her own structure, life and preservation—as divine and imprescriptible. These arc the commandments that God has given us out of love for her, not simply her commandments. The voice is that of the Bridegroom, not simply that of the Bride. In transmitting it and in declaring its meaning, the Church enjoys an infallible and absolute assistance.

But just as, on the purely human plane, the precepts of the natural law promulgated by the Author of our nature have to be extended and made precise in the precepts of the positive law, promulgated by the temporal power; so, on the spiritual plane, the precepts of the divine law, revealed by God and proposed by the declaratory power, have to be extended and made precise in the precepts of the ecclesiastical law, promulgated by the canonical or legislative power. And, like the precepts of the temporal power, those of the canonical power will also be of two sorts.

The first will be drawn from the revealed law by way of consequence, not indeed as necessary consequences (as are precepts first implicitly revealed and then explicitly promulgated by the Church), but as congruent. For example,

[1] Denz., 899 and 917. cf. Marin-Sola, *['Evolution homogène du dogme catholiquet* vol. I, p. 335.

[3] Denz., 1491-5. These propositions arc condemned as false, scandalous, pernicious. I take full responsibility for asserting that their condemnation is irrevocable.

there is a divine precept enjoining all to "eat the flesh of the Son of Man and drink his blood" (John vi. 54), and another enjoining the sinner to have recourse to one who in Jesus' name can "forgive or retain sins" (John xx. 23). But seeing how easily men lose sight of things invisible, these precepts might be neglected by many; wherefore the Councils of Lateran and of Trent, with a wisdom confirmed by experience, have concluded to the obligation of annual confession and Easter communion.

The other class of precepts are drawn from the revealed law by way of determination. There is a scriptural precept imposing self-denial and fasting; hence the Church has determined certain forms of self-denial such as abstinence and certain modalities of fasting. It is a divine precept that Christ is to be honoured wherever He is; and He is in the Eucharist; so that the Church has provided for the public veneration of the Blessed Sacrament in processions. It is a divine precept that the Flesh of the Son of Man is to be eaten and His Blood drunk; but the Body and Blood of Christ are found under both the sacramental species, so that the precept will be observed whether we communicate under one species or under both; and the Church can regulate the matter according to the needs of the age. Since the end of the Middle Ages she has chosen to give communion to the laity only under one species, and to the clergy too when they are not saying Mass.

The precepts of the third and fourth groups belong to ecclesiastical law. They are the work of the canonical or legislative power, which is not supported by any absolute assistance, but by a prudential or relative assistance. They constitute the secondary practical message of the Church.

The division of the precepts of the ecclesiastical law according as they arc drawn from the revealed law by way of consequence (third group) or by way of determination (fourth group), is a division made from the standpoint of their genesis, their mode of origin. It has the advantage of emphasising the organic dependence, the vital link, which connects the precepts of the canonical power with the higher precepts of the declaratory power.

There is, as we have said, another way of dividing the precepts of the canonical power. It proceeds from the teleological standpoint, according as their end is either to protect the revelation by measures of general or particular interest, or to assure the empirical existence of the Church. And it takes account of the different degrees of assistance they can claim. This division I now propose to explore, my purpose being to give a more detailed explanation of the force of the prudential precepts. But first let us summarise these various divisions of the practical message of the Church.

3. SYNOPTIC TABLE OF THESE DIVISIONS

Above all we must clearly note the distinction between the precepts of the divine law (primary practical message of the Church) and the precepts of the ecclesiastical law (secondary practical message of the Church).

PERMANENT JURISDICTION: FURTHER DIVISIONS

of the *declaratory power* (primary practical message) and so of divine law and *absolute,* which are *revealed:*

explicitly ist group — defined as *revealed*

implicitly 2nd group and which are: — defined simply as *irrevocable*

Precepts: <

from the *genetic* standpoint according as drawn from revelation:

by way of *consequence* (congruent) 3rd group

by way of *determination* 4th group

of the *canonical power* (secondary practical message) and so of ecclesiastical law and *prudential,* subdivided in two ways:

to *protect* the *revelation* by — precepts of *general* interest

precepts of *particular* interest

from the *teleological* standpoint according as their end

to *assure the empirical existence* of the Church; precepts of the biological order

B. The Force of the Prudential Precepts

Just as the precepts of the natural law have to be extended and given precision in those of the positive law, so the precepts of the declaratory power, which are of revealed and divine law, have to be extended and given precision in those of the canonical power, which belong to ecclesiastical law.

The precepts of the declaratory power are proposed in virtue of an absolute assistance and in an irrevocable manner. The Church is no less assisted in teaching morals than she is in teaching the faith, and if she could be deceived in the former she could be deceived in the latter, since it is of faith that every virtue is good and every vice is evil.[1]

The precepts of the canonical power, whose rôle it is to extend and determine those of the declaratory power, share in their certitude, but unequally.

1 "Just as a Council cannot propose errors for Christian people to believe, so it cannot propose evil tilings for them to do. I mean of course propose them by any absolute decree [firmo certoque decrcto] obliging all the faithful to believe or do anything under pain of eternal loss" (Melchior Cano, *De Locis Theologicis,* lib. V, cap. v, concl. 2). "Moral rectitude" says John of St. Thomas, "is no less necessary for salvation than a sure faith. Hence the Sovereign Pontiff, in virtue of his supreme authority, cannot err, whether in teaching the certitude *of the* faith or die rectitude of morals" (II-II, q. I to 7; disp. 3, a. 3, no. 4; vol. VII, p. 310). The Vatican Council defined the infallibility of the Roman Pontiff when irrcformably teaching doctrine concerning faith and morals (Denz., 1839).

For, just as we have divided the *teachings of* the canonical magisterium into two classes according as they fully or only partially engage its authority, so we must divide the precepts, the commandments, of the canonical power into two specifically distinct groups. In the first we shall put those precepts that fully engage the canonical power and which therefore apply universally and always. They formulate the main lines of conduct demanded by the good of the whole Church, and prescribe the measures that stand in necessary connection—a morally necessary connection—with the canonical ends of the Church,[1] which ends arc to smooth the soul's path to divine things, and to particularize the social order postulated by the Gospel revelation: e.g. to lay down the conditions for a valid marriage. In the second group we shall put those precepts that engage the canonical power only partially, and thus have a merely particular or temporary character. They have no morally necessary connection with the spiritual good of the whole Church: e.g. this particular marriage is valid. If it be true, as Melchior Cano says, that the divine aid is never wanting in necessary things, but does not overflow on to the superfluous, "sicut Deus non deficit in necessariis, ita non abundat in superfluis"[2] the assistance promised to precepts of general application, and that promised to those of merely particular application, will not be of the same nature: the absolute certitude of the precepts of the declaratory power will be participated proportionally or analogically, not univocally, in the two cases. Let us try' to see this in greater detail.

I. PRECEPTS OF GENERAL APPLICATION

a. Their Infallibility Radically Absolute

The great prudential precepts, ordained for the general good of the Church, arc closely and immediately connected with the absolute precepts of revelation, whence they stem as from their proper root; so that they participate in a direct and privileged way in their infallibility. It can be said that the infallibility that guarantees them is absolute—not, doubtless, directly and formally, but radically and fundamentally. It follows that they can never prescribe anything immoral or pernicious, anything that sins against the evangelical law or the natural law. Since the Church is assisted in the task of leading men to eternal life, she will not mislead them by erring either about what has to be believed or about what has to be done: if, for example, the Gospel had contained a commandment to communicate always under two kinds, she would never have been able to ordain communion under one; and similarly, she cannot enjoin on her children any acts that clash with the natural law, anything that partakes for example of idolatry, lying, or injustice. Theologians are here unanimous.[3]

1 cf. above, p. 342. note 1.

2 *Dt Lodi Tfuologicis,* lib. V, cap. v, concl. 2.

2 e.g. Melchior Cano: "In grave matter*, of high importance to the formation of Christian morals, the Church, when enacting laws that concern all, can ordain nothing contrary to the Gospel or to natural reason ... Just as she can *drfaie* nothing as vicious which in fact is virtuous,

b. Their Infallibility Formally Prudential

The great precepts of the canonical power are not only guaranteed by an absolute infallibility in their principle, their foundation, their root; they are also (and this is a result) guaranteed by a prudential infallibility in themselves, directly and formally. It is not enough to say that they can never prescribe anything contrary to the the natural law and the law of the Gospel, it must further be held that all are wise, prudent and beneficial. There are "grave and just reasons", said the Council of Trent, that have led the Church to ratify the custom of communicating the faithful under one kind;1 the same Council declares it "opportune, praiseworthy, pious and religious" to carry the Eucharist in procession;2 it teaches not only that the Canon of the Mass is free from all error, but also that "it contains nothing but what breathes holiness and piety and lifts up the heart to God";3 it affirms that the liturgical ceremonies accompanying the celebration of Mass are well adapted to bring out the majesty of the sacrifice and to facilitate contemplation of the sublime realities it contains.4 Precepts so universally and constantly proposed cannot lack wisdom, prudence and expediency. John of St. Thomas spoke his true mind on the subject when he wrote that "as for the laws proposed to the whole Church, such as those drawn up by a General Council or incorporated in the *Corpus Juris,* granting the general approbation they enjoy, it is difficult to admit that they contain even

nor as virtuous which is vicious, so neither, in ***promulgating her laws,*** can she approve anything contrary to the Gospel or to reason. If, by any express judgment, or in enacting a law, she approved what is wrong or reproved what is right, the error would not merely be a disaster for the faithful, it would also be, in a way, opposed to the faith which approves every virtue and condemns all vices. Further, Christ has commanded us to obey the laws of th<f Church, saying: ***Do all that they say unto you*** . . . and: ***Whoso keareth you heareth me*** . . .; so that if the Church should err herein Christ would be the author of our errors " ***(De Locis Theologicis,*** lib. V, cap. v, concl. 2). Similarly St. Robert Bellarminc declares it impossible for the Pope to err " in precepts addressed to the whole Church " and concerning " things necessary to salvation, or in themselves good or bad.** For example, " the Sovereign Pontiff wall never be deceived into commanding a vice such as usury, or forbidding a virtue such as restitution, since these things arc good or bad in themselves; similarly, he will never be deceived into commanding anything contrary to salvation, such as the necessity of circumcision, or the observance of the Sabbath, or into forbidding anything necessary for salvation. such as Baptism or the Eucharist " ***(De Romano Pontifice,*** lib. IV, cap. v). Numberless similar texts could be cited. But I should like to note here that after Melchior Cano had written that he did not intend to approve all the laws of the Church and that he knew of some that lacked prudence or moderation, later theologians such as Suarez or John of St. Thomas, set out to distinguish the ***substance*** of ecclesiastical laws from their ***prudence*** (i.e. from their various applications and circumstances, their strictness and so forth) and said that such laws arc infallible in their substance, as opposed to saying (as I believe would be more exact), that it is in their basis, their principle, their root, that they arc infallible, and that absolutely.

1 Denz., 931.

1 Denz., 878, 888. This last decree, notes Cano, is drawn up so as not to anathematize those who simply deny the suitability of processions of the Blessed Sacrament, which would be merely imprudent or rash (so also Banez); but only those who deny it because they do not admit the presence of Christ in the Eucharist and the adoration that is due to It ***(De Locis Theologicis,*** lib. V, cap. v, concl. 2).

3 Denz., 942.

4 Denz., 943.

prudential error ["difficilius admittitur etiam prudentialis error"], so that they are not to be waived without some special permission."[1] Thus, between the absolute assistance of the revealed precepts, and die fallible prudential assistance of particular precepts, one admits a prudential and infallible assistance for each of the precepts of general interest. These can never be imprudent nor even useless?

c. Not Necessarily Representing a Maximum of Prudence

However, it does not necessarily follow that precepts of general application will always be the most prudent possible. For, unlike the natural and evangelical laws, which are immutable and perfect, ecclesiastical laws, even when enacted with the special assistance of the Holy Spirit, aim at bringing order into matters that arc always changing, and therefore admit of a certain flexibility and a more or less perfect adaptation. For example, the laws on the necessity of annual confession and Easter Communion would have done

[1] II-II, qq. 1-7; disp. 3, a. 3, no. 5; vol. VII, p. 311. As I have said, most theologians after Melchior Cano content themselves with expressly distinguishing on the one hand all tliat concerns the substance, the morality and the rectitude *of* laws proposed to the whole Church, which cannot, without heresy', be said to contain anything contrary to the evangelical or natural law; and, on the other hand, all that concerns the concrete application of these laws, their adaptation to the circumstances, their strictness, their sanctions, and so forth, in which error is always possible, cf. Suarez, *De Fide,* disp. 5, sect. 8, no. 7; John of St. Thomas, loc. cit., etc. Between these two extreme groups, the first of which contains the revealed and absolutely infallible precepts which cannot be denied without heresy*, and the second the particular and fallible precepts, we must, I believe, find a place for canonical precepts of general applicability' which are prudentially infallible. For we have seen St. Thomas (in *Quodlibet* IX, art. 16) recognize three kinds of decisions of die Church: those concerning faith, in which the Church is certainly infallible; those concerning particular facts in which she is fallible; and those that are intermediary, in which piety* inclines to take the Church for infallible. There are other theologians who speak, at least *in actu exerdto,* of intermediate decisions. St. Antoninus for example, following John of Naples, distinguishes decisions of the Pope on the particular concerns of private persons—just distribution of offices and benefices, judicial sentences etc.—in which the Pope can err through ignorance or passion; and decisions concerning the good of the whole Church, bearing either on matters of faith or of morals: constitutions, decrees, decretals, in which, if left to her own resources the Church might err, but in which she is in fact protected by the power of Christ *(Summa Sacrae Theologiae, Juris Pontificii el Caejarii,* III pars., tit. xii, cap. viii, §2). It looks as though there were only two groups here. Really there arc three. For the decrees and decretals which St. Antoninus has separated from particular decisions, cannot, for all that, be included along with decisions concerning the faith. The text of John of St. Thomas, cited above, is very clear. Billuart, who does not seem to have seen it, is nevertheless of the same opinion: " After Suarez and Banez, John of St. Thomas adds that the Church can err as regards the circumstances, application and execution of the law, for example by issuing too many precepts and censures, and applying them too strictly. For, he say's, all that seems rather to pertain to the prudence and surrounding modalities of the law than to its substance and morality. Cano thinks likewise . . . However, when we are concerned with law's laid down for all Christians, it is only out of regard for these very' learned men that their reservations are to be entertained: I should not dare to make them mine " *(De Regulis Fidei,* dissert. 3, a. 5). It may be remarked, however, that even when it is a question of laws concerning all Christians, their application and execution may belong to the domain of particular decisions.

[3] St. Robert Bellarmine writes: ""It could be maintained without absurdity that the Pope could go wrong when, for example, ordering things which, without being either good or evil in themselves, nor contrary to salvation, would be useless; or in forbidding something under over-heavy penalties " *(De Romano Pontifice,* lib. IV, cap. v). In the case of precepts of general interest I do not agree that they could be useless. r\s to those of particular interest I agree that they could be useless, too strict and sometimes even worse, as we shall see. ■■

good, no doubt, if promulgated some years earlier than they were; again, they might have been kept back for some years. More generally, the Church reserves the right to modify and ameliorate even the general provisions of her Canon Law.

d. How Defined and Recognized

When we speak of measures of general applicability the expression should not be taken in a material way, but in a living, qualitative and formal way. It indicates ecclesiastical measures which are general in a three-fold respect: by their final cause, their formal cause, and their efficient cause. First, they reflect the common good of the supernatural society, to which they are immediately ordered, and they are, on the supernatural level, what measures of public safety are on the natural. Then, they are laws in the strict sense, not commands in the strict sense: law, says St. Thomas, defines the rule of the common good, command applies this rule to particular matters.[1] Lastly, they engage the prudential authority of the Church fully, not merely partially: they must be approved by the whole Church, by an oecumenical council, by the Pope, not merely by a number of bishops or the Roman Congregations with the Pope giving liis approval only "in forma communi". Most of the measures in question will in addition be general in their material cause, that is to say the subjects to whom they apply: the laws on Easter Communion, on fasting and abstinence, concern all the faithful; some however may concern only particular regions, or particular categories of the faithful such as clerics or religious. However, in spite of all this, it will not always be easy to recognize measures that arc truly general. And measures that have once been general can cease to be so, and fall by degrees into desuetude. At bottom, the best sign of the universality with which the Church intends to invest a law lies in the insistence with which she proposes, approves and recommends it during the course of the ages.

e. The Commandments of the Church

I have mentioned several of these measures of general interest. It must be insisted that they always arise as consequences or determinations of the great ordinances of Scripture. The laws of fasting and abstinence for example are bound up with the Gospel precept to do penance (Matt. xi. 21). The laws prescribing Sunday attendance at Mass, or again, the mode of celebrating Mass, the use of unleavened bread in the Western Church, are bound up with the commandment to commemorate the sacrifice of Holy Thursday (1 Cor. xi. 24). The laws prescribing Easter Communion and the mode of distributing Communion under one kind arc bound up with the command to receive the Body and Blood of the Lord (John vi. 53-58), both present under each kind and in each fragment of each kind. The custom of carrying the Blessed Sacrament in procession is bound up with the commandment to confess Christ before men (Matt. x. 32). The law of annual confession is

[1] I–II, q. 90, a. a, ad 1.

bound up with the command given to the Apostles and their successors to remit sins (John xx. 23). The law of priestly celibacy in the Latin Church is linked with St. Paul's reflection: ''He who is without a wife is solicitous for the things that belong to the Lord" (1 Cor. vii. 32). The laws obliging confessors to obtain the approbation of their bishop, and the canonical conditions for the validity of marriages, are connected with the general laws concerning the orderly feeding of the sheep of Christ, the general power of binding and loosing, and so on.

f. Approbation of Religious Orders

The approbation of a religious order by the Church may contain a prudential measure of general interest. It is a complex action, analysable into two judgments;[1] an absolute one, pertaining to the declaratory' power and bearing on a dogmatic fact—''This monastic rule is in harmony with the Gospel ideal and well fitted to lead souls to perfection"—and a practical and prudential one pertaining to the canonical power—" It is good, prudent and useful here and now to propose this monastic rule to the faithful desirous of tending to evangelical perfection." In the measure in which this latter judgment continues fully to engage the canonical authority, as it does for example in the case of the great Orders everywhere and always approved by the Church, it remains practically infallible; consequently, it cannot be other than prudent, opportune, useful and beneficial. But religious orders may decline, may cease to answer the needs of an epoch, and gradually lose the favour of the Church. Then the general and infallible prudential judgment which approved them becomes particular and fallible. Such religious orders may even be suppressed as harmful or superfluous.[2]

[1] cf. Billuart, *De Rendis Fidii,* dissert. 3, a. 5.

[1] After criticising the temerity *of* Melchior Cano, who claims that the approval of religious orders falls within die prudential sphere, and denies that the Sovereign Pontiff is infallible in this sphere, on the grounds that the Council of Lyons abolished as harmful or superfluous religious orders previously approved by the Apostolic Seat (Dr *Locis Theologicis,* lib. *v,* cap. v), John of St. Thomas begins by affirming that the Pope is infallible not only when he approves a religious rule with regard to the three essential vows, but also with regard to its substance—its goodness and its morality. And Cano is certainly to blame for failing to recall this point. But John of St. Thomas concludes by setting aside the question of prudence, which, clearly, preoccupied Cano, saying that he does not wish to commit himself concerning the circumstances of the approval *of* religious rules, nor concerning their excessive number, since all that has no necessary connection with the substance and goodness of these rules; cf. II–II, q. 1-7, disp. 3, *a.* 3, no. 6, vol. VII, p. 311). It is precisely this question of prudence which I wish to find a reply to. I do not believe that a measure which is really of general concern can ever be either harmful or even superfluous, though it may be so in die case 0Γ a clumsy or imprudent application of it in some particular local Church, where there may be, for example, laws or customs of ancient standing.

In order to justify Cano, Hyacinth Serry recalls, in his *Mdchioris Cani Vindicationes,* which he set at the beginning of the *De Locis* as a " prologus galeatus " (cap. xi), that earlier theologians have distinguished (concerning the approbation of religious orders) a judgment bearing on the substance of a given religious rule, in w hich the Church is infallible, and a judgment bearing on the *opportuneness* of its promulgation. He maintains that, according to Cano, it is only in connection with the second of these judgments diat the Pope is fallible, in which case Cano would be saying nothing different from die arguments of his most openly avowed adversaries—Suarez, for example. Serry alleges the audiority of Banez. according to whom we should judge of the approbation of religious

2. PRECEPTS OF PARTICULAR APPLICATION

a. Their Nature

Particular decisions arc concerned with the application of universal laws, their adaptation to circumstances of place and time. They cover an immense field, comprising innumerable legislative measures, decrees, all judicial verdicts, all penal sentences, and so on.

St. Thomas, as I have said, recognizes three kinds of judgments of the Church: those concerning the faith, those that arc intermediate, and those concerning particular facts, such as the distribution of ecclesiastical goods, the settlement of lawsuits, and so on.[*] Judgments defining the faith emanate from the declaratory power and for matter they have only what is revealed whether explicitly or implicitly. The intermediate judgments emanate, in my view, from the canonical power fully engaging its authority in ecclesiastical matters of general interest. Judgments of the last type arc put out by the canonical power in particular matters, and hence, whatever otherwise their importance, they do not touch the structure of the Church; they cannot, if erroneous, imperil the salvation of the faithful in general; and consequently they engage the canonical power only partially, even when issued by the Sovereign Pontiff.

b. Fallible Prudential Assistance

Undoubtedly even in these matters God will assist His Church, but not to the exclusion of all possibility of error or inadequacy. The canonical power orders as we judge of ecclesiastical laws in matter not necessary to salvation ; here and there, the Pope may act *minus prudenter, minus caute.* Finally he recalls that shortly after the lime of Cano St. Pius V suppressed the order of *Humiliati,* and that other Popes have acted in a similar manner. For my own part I believe that in certain cases the judgment concerning opportuneness itself can be prudentially infallible, in the matter of the approval of religious orders.

[*] I have said above that modern theologians are content to distinguish facts of general interest and facts uf only particular interest. The former arc as precise and as concrete as the latter, but they stand in necessary relation with revelation and consequently concern the faith of the whole Church. Such arc, on the one hand, facts expressly revealed, for example that Jesus was bom at Bethlehem, and that He consecrated bread and wine at the Last Supper; and, on the other hand, " dogmatic " facts which although not expressly contained in the revealed deposit are necessarily connected with the preservation and explanation of revealed doctrine, and so concern the faith of the whole Church: for example, such and such a council was infallible, such and such a version of the Bible is authentic, such and such a Pope was really Pope, and such and such a writing of/Vius, Nestorius or Janscnius is heretical. /V to facts of particular interest, these may be of a religious nature, but they arc *not* necessarily connected with revelation and do not concern the faith of the whole Church: for example, that a particular Host has been consecrated (cf. Marin-Sola, O.P.. *L'Évolution homogène du dogme catholique,* vol. I, pp. 455, 471, note 1). Between these two extreme categories there is, in my opinion, room for a third group of facts which arc necessarily connected, not with the primary end of the Church, which is to define revelation, but with its canonical and secondary end, which is to facilitate its reception. The canonization of a saint is a fact of the first group; the consecration of a particular Host is a fact of the third group; the authenticity of the Christian life of a beatified sen ant of God is a fact of the second group; the Pope, says John of St. Thomas, decLares it with a prudential infallibility, cf. above, pp. 341, note 2; 348, n. 1; 366.

may be led astray by false witnesses, by ignorance or passion in its depositaries, when it confers an office on a subject thought worthy, when it pronounces on the validity of a marriage, or when it issues a sentence of excommunication. One can even imagine it prescribing, in all good faith, an act in reality contrary to the natural or evangelical law. In such a case obedience will be impossible and it will be better to accept excommunication with faith and humility.[1]

c. Relation Between the Notions of Authority and Infallibility

Besides the absolute assistance of the declaratory power and the infallible prudential assistance of the canonical power fully engaged, there is therefore room for a prudential assistance that will be fallible, though far from ineffective. We might even say that this assistance is, in a certain sense, infallible. As a general rule, to be sure, we make a distinction between authority and infallibility, and say that obedience is due in virtue of authority, not in virtue of infallibility. Thus, the authority of parents is indisputable, but nobody would call it infallible in the proper sense of the term. However, by a paradox that is merely apparent and may at times conceal a deeper insight into things,[2] it could undoubtedly be maintained that authority is only legitimate when it enjoys a kind of infallibility, not infallibility proper but one which does guarantee the prudence, wisdom, beneficence, if not of each of its interventions *divisive,* at least of the mass of its interventions *collective.* Parental authority does, on the whole, assure the due education of

[1] Innocent III himself envisages the case of a husband certain of the existence of an impediment which makes the use of marriage impossible for him without mortal sin, yet unable to provide legal proof of it in the eyes of the Church. What is his duty? " Debet potius excommunicationis sententiam humiliter sustinere, quam per carnale commercium peccatum operari mortale", say's the Pope (cap. 44, x, lib. v, tit. 39). In the fourth book of the *Sentences* (dist. 38), Peter Lombard supposes the following case: a man leaves his wife, goes away into some distant region and marries another without revealing his position; later, struck with remorse, he wishes to leave this wife but the Church, who lias no proof of the first marriage, obliges him to cohabit with her. Peter Lombard is of the opinion that the man is then excused from guilt *quantum ad redditionem debiti.* But Albert the Great (ZFSm/., dist. 38, a. 23) and St. Thomas *(IV Sent.,* dist. 38, expositio textus), clearly decide against this solution. St. Thomas writes: " The Master of the Sentences here say's something which is false; for the man in question should die excommunicate rather than be united with her who is not his wife: for that would be to act against honesty of living, which we have no right to abandon, even in order to avoid a scandal·" Cf. similar conclusions on the part of Melchior Cano *(De Locis Theologicis,* lib. v, cap. v, cone. 3) and Billuart *(De Regulis Fidei,* dissert, iii, a. 5).

[3] As expressed by Joseph de Maistre, this paradox becomes a categorical error. At the opening of his book *Du Pape* he writes: " *Infallibility* in the spiritual order and *sovereignty* in the temporal order are words that are perfectly synonymous . . . When we say that the Church is infallible, we are not claiming for her any particular privilege; we merely claim that she should enjoy the right, common to all sovereignties, all of whom necessarily act as if they were infallible, for every government is absolute; and as soon as it is resisted under pretext of error or injustice, it ceases to exist " (Bk. 1, ch. 1). The error is not mitigated in Chapter tg in which spiritual and temporal sovereignty are distinguished: There can be no human society w ithout government, nor government without sovereignty, nor sovereignty without infallibility; and this last privilege is so absolutely necessary that we are forced to suppose infallibility even in temporal sovereignties (where it is not) under pain of general dissolution. The Church asks no more than do other governments, albeit it enjoys an immense superiority' over them, since on the one side infallibility is *humanly supposed,* and on the other *divinely promised."*

children—"If you, being evil, know how to give good things to your children . . . political authority does on the whole result in something that is better than anarchy; the authority of a superior freely chosen does in fact secure a sufficient liberation from self-will in the religious life. Similarly, and with all the more reason, it can be said that the canonical power is efficaciously assisted by God, if not in each of its particular decisions *divisive, singillatim,* at least in its decisions as a whole, *collective, ut in pluribus:* that on the whole its interventions arc happy rather than unhappy, useful rather than useless; that it is, in a word, guaranteed by a prudential aid that deserves to be called infallible in the improper sense.

C. The Force of Decisions of the Biological Order

Finally, below absolute decisions whose immediate end is to define the revealed deposit, and prudential decisions, whether general or particular, whose immediate end is to protect it, we must place prudential decisions whose end is empirically to determine the contingent relations of the Church with the world, to assure the concrete conditions of her daily existence, and thus to preside over the daily life which the Church has among men.[1]

I. THEIR FALLIBILITY

It is owing to the hierarchy that the Church, the Body of Christ, the Kingdom of God, is in ceaseless process of formation here below in the highest mode of perfection compatible with her temporal and crucified existence. She is the point of convergence, the focus and the support, of all the sanctity and all the supernatural truth that exists in our world, and so becomes the instrument *par excellence* for the infusion of a divine life into our cultural life, of eternity into time. All the problems concerning the concrete relations of the Church with the kingdoms of this world, with great political movements and great cultural orientations, are therefore bound to present themselves to the canonical power. To enable it to solve them, the Holy Spirit will support it. But this divine assistance, which I have called biological, will be of a particular kind. It will spare the Church neither trials, nor hesitations, nor disappointments, nor even indubitable errors. It will often seem to exert only a very remote control over her conduct, to abandon her to merely human fight and human power, to leave her to achieve her education at her own risk and peril and at the price of bitter experience. Even more than the assistance promised to the particular ecclesiastical precepts, this biological assistance will be in the proper sense fallible. And yet, of this too it may be said that it is, in a sense, infallible, since it will be always sufficient to assure a

[1] There is an echo there of a higher mystery, for Christ Himself, besides His beatific and His infused knowledge, had an experimental or experiential knowledge by which "He did not know everything from the beginning, but learnt it step by step and gradually", so that "new things would present themselves to Him from day to day" (St. Thomas, III, q. 12, a. 2, ad 1; q. 15. a. 8).

certain general direction, to save at least the minimum of temporal conditions needed to ensure the permanence of the Church and her uninterrupted visible presence on the stage of history.

2. THEIR WEAKNESS MORE APPARENT IN PROPORTION AS THEY ARE CLOSER TO THE TEMPORAL

The measures here in question are, as it were, the fine capillary vessels of the jurisdictional power. They feel out the way to be followed in regions often shifting, uncertain and full of surprises. Their prudence, wisdom and beneficial character will not always be evident to all eyes. Sometimes even they may seem to lack homogeneity' when the depositaries of the canonical power, abandoning their habitual reserve, adopt contrary opinions "on this side or that of the Pyrenees", not to say in the same country, and arc all equally persuaded that they arc faithful interpreters of the mind of the Church and of the supreme authority. Then the Church, one in all that touches divine things, will seem to be divided in the face of the things of this world—when she is called on, for example, to support conservative or progressive political tendencies, to recognize the legitimacy of a form of government or even of a dynasty',[1] the justice or injustice of a war or a conquest, or the denunciation of an article of an international treaty. The consciences of the faithful will be subjected to severe trials. Shall we always be forced to live in the midst of the racking distinctions to which Christendom had to apply herself in the days of the Great Schism or of the trial of Joan of Arc? Unfortunately, they are likely to trouble us for a long time yet. But—and here perhaps history can record some progress—if it be true that the essential and traditional distinction between the Kingdom of God and the kingdoms of this world is to be much more marked in the institutions of the future Christendom than it was in those of medieval Christendom, then the cases of conscience, the trials, the conflicts of which we speak, instead of seeming to invade the inner sanctuaries of the spirit, will tend more and more to be kept on the periphery, on the boundary line between the spiritual and the temporal.

3. THEIR NATURE BENEFICIAL IN THE MAJORITY OF CASES

Let us adduce some examples of the intervention of the canonical power in the biological order, and try to bring out some of their characteristics.

i. Not being infallible, they can at times be erroneous; and it can happen, though such cases are rare, that the Sovereign Pontiff himself may be misled into giving decisions on information deliberately wrong. After the

[1] " In spite of all the pressure brought to bear on him by the legitimitists of France, by the Miguclists of Portugal, by the Carlists of Spain and the Austrian Chancellery', Gregory XVI avoided any pronouncement for Don Carlos. But the Spanish clergy' did not imitate his reserve. The greater part openly embraced the cause of the Pretender, and favoured the recruitment of his partisans and the movements of his army. For seven yean a fierce war convulsed Navarre, Catalonia, Castile and Aragon, a war of irregulars in which both parties paid back cruelty with cruelty " (F. Mourret, *Histoire générale de l'Eglùe,* vol. VIII, p. 199).

Polish insurrection of 1830, Gregory XVI, deceived by the reports of Nicholas I, and desirous above all of abating the persecution that afflicted the Catholics of Russia, thought it good to remind the Poles of the maxims of the Church on submission to the temporal authorities. He soon recognized his error and expressed his regret publicly. Thirty years later, after the insurrection of 1864, Pius IX, protesting against the doings of Alexander II, cried: "I very well know how to distinguish the socialist revolution from reasonable liberty" (F. Mourrct, op. cit., pp. 201 and 483).

2. More commonly perhaps they may look only to one aspect of a situation and overlook others of equal or greater importance. They will then be partial; and will not solve all the practical doubts of a Christian. Imagine a politician who promises to maintain Catholic schools and institutions and so to favour the cause of religion and of the Church. The spiritual power will be led to support him, and the bishops, in general terms, will recommend liis candidates to the votes of Catholic electors. But perhaps this politician, whether by incompetence or otherwise, proves to be an evil influence, and instead of serving the Church he gravely compromises her by the general trend of his conduct; he may even seem to become her adversary, since she is the first to require the human order to be governed with wisdom and justice; and citizens who would act as good Catholics and work for a Christian political order, feel bound to oppose him. To be truly faithful to the spirit and the doctrine of the Church, they ought, as far as possible, to weigh the good that is done her openly against the damage that is done in less obvious ways; and their decision will then be just and enlightened. But all those who—whether prelates or laymen—attempt to save the *biological* existence of the Church by sacrificing the integrity of her doctrine, the purity of her morals, or the recognition of her sovereignty, will in any case certainly betray her. It will always be an aberration voluntarily to restrict the defence of a *Catholic* social order to a defence of *ecclesiastical* persons, goods or immunities.

3. But it is certain tliat in the majority of cases the interventions of the canonical power will be salutary. Consider, for example, the instructions of Leo XIII, motivated by a theology as firm as it was delicate, on the acceptance by the Church of the Republic in France. Abstractly, said the Pope, it is possible to define the best form of government and to recognize the advantages of each form: "In this order of speculative ideas, Catholics, like all citizens, arc free to prefer one form of government to another, precisely because none of these forms is in itself opposed either to the dictates of right reason or to the maxims of Christianity" (Encyclical to the Clergy of France, 16 February, 1892). In point of fact, every people possesses a determinate form of government. Unlike that of the Church, this form is not final. It changes with the passage of time. Some bloody catastrophe perhaps throws a whole people into anarchy. Then a new government is needed. "These changes" says the Pope, realistically, "are far from being always legitimate at the outset; *in fact it would be difficult for them to be so.* However, the final criterion of the common good and public tranquillity makes it necessary to

accept the new governments, once they arc effectively established, in place of the old that have disappeared. Thus the ordinary rules for the transference of power are suspended, and may even be finally abolished with the passageoftime" (Encyclical to the French Cardinals, 3rd May 1892). When these new governments, representing the authority that no society can dispense with, are once constituted, "to accept them is not merely allowable, but desirable, nay even demanded by the social necessities that have given them birth and maintained them . . . -And this great duty of respect and dependence will remain *as long as the needs of the common good require,* since this good is, after God, the first and last law in a society" (16th February 1892). One should "make no attempt to overturn them or change their form. Hence the Church, guardian of the truest and highest notion of political sovereignty, since she attributes its origin to God, has always reproved the doctrines and condemned the men that rebel against the legitimate authority" (ibid.). The Pope well knows "that none, without temerity, can assign limits to the action of divine Providence in all that concerns the future of nations", but, in the case of France, "long experience has shown that the state of the country' has been so profoundly altered that it does not seem possible to revert to the ancient form of government without grave disturbances" (Letter to Cardinal Lecot, 13th August 1893). On the other hand, the persistence of an important section of the Catholics—not in retaining their preferences for the *ancien régime* and indulging "an affection for it which deserves respect" (ibid.), but in living on the periphery of public life and subordinating the defence of religion "to the triumph of their party, even were this on the pretext that this party seems the most likely to defend it" (3rd May 1892)—-deeply imperils the future of the Church in France. And so the Pope, whose sole end is "to safeguard the religious interests entrusted to him" (ibid.), and who claims "the power and duty of choosing the means which, in all the circumstances of time and place, are most fitted to serve the good of religion" (Letter to Cardinal Perraud, 20th December 1893), asks the Catholics of France to accept the constituted government. But it is often overlooked that he strongly distinguishes between political power and legislation: "The acceptance of the one in no way implies acceptance of the other in those matters in which the legislator, forgetful of his mission, places himself in opposition to the laws of God and the Church. And let it be well noted by all, to work and to use one's influence to get the government to change iniquitous or unwise laws, is to give proof of devotion to the fatherland as intelligent as it is courageous, and suggests no shadow of hostility to the public authorities" (3rd May 1892). "Legislation is the work of men invested with power, men who, in fact, govern the nation. \Vhence it results that in practice the quality of laws depends more on the quality of these men than on the form of government" (16th February 1892). The Pope deplores the fact that there are men who set themselves "against the teachings and prescriptions of him who is at the same time the protector and the head of the Church" (13th August 1893).

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4. When they adopt a *moderating* tone it is not to stifle a movement that may be authentically great and generous; but to effect its more perfect alignment with the real facts. There arc always to be found men in the Church who "keenly perceive"—to adopt Newman's words—"and are honestly eager to remedy, existing evils—evils of which divines in this or that foreign country know nothing at all, and which even at home, where they exist, it is not everyone who has the means of estimating."[1] And yet the competent authority, although it recognizes all that is just in their views and generous in their intentions, may judge that the time has not yet come when the truth they have discovered, which tends to dazzle them, can be fruitfully introduced to the world. It will therefore recommend prudence, moderation, even, it may be, silence. Newman, who had the tragic defection of Lamennais before his eyes, has no trouble in justifying this line of action. He writes in the *Apologia·*. "In reading ecclesiastical history, when I was an Anglican, it used to be forcibly brought home to me how the initial error of what afterwards became heresy was the urging forward of some truth against the prohibition of authority at an unseasonable time. There is a time for everything, and many a man desires a reformation of an abuse, or the fuller development of a doctrine, or the adoption of a particular policy, but forgets to ask himself whether the right time for it is come: and, knowing that there is no one who will be doing anything towards its accomplishment in his own lifetime unless he does it himself, he will not listen to the voice of authority, and he spoils a good work in his own century, in order that another man, as yet unborn, may not have the opportunity of bringing it happily to perfection in the next. He may seem to the world to be nothing else than a bold champion for the truth and a martyr to free opinion, when he is just one of those persons whom the competent authority ought to silence; and, though the case may not fall within that subject-matter in which that authority is infallible, or the formal conditions for the exercise of that gift may be wanting, it is clearly the duty of authority to act vigorously in the case. Yet its act will go down to posterity as an instance of a tyrannical interference with private judgment, and of the silencing of a reformer, and of a base love of corruption or error; and it will show still less to advantage, if the ruling power happens in its proceedings to evince any defect of prudence or consideration. And all those who take the part of that ruling authority will be considered as time-servers, or indifferent to the cause of uprightness and truth; while on the other hand, the said authority may be accidentally supported by a violent, ultra party, which exalts opinions into dogmas, and has it principally at heart to destroy every school of thought but its own."

Newman is right. A truth published out of due season will always lack its proper point of application and so will seem to be radically infected with error. That, at bottom, is why it gets condemned. It will have been noticed that Newman's words apply to various kinds of canonical interventions, those

[1] *Apologia Pro Vita Sua,* chap. V.

aiming at protection of the revealed deposit or simply at assuring the biological existence *of the* Church.

Newman sees, of course, that these considerations apply to himself as to others.

"It seemed to me especially a time in which Christians had a call to be patient, in which they had no other way of helping those who were alarmed than of exhorting them to have a little faith and fortitude, and to 'beware', as the poet says, 'of dangerous steps'. This seemed so clear to me, the more I thought of the matter, as to make me surmise that, that if I attempted what had so little promise in it [i.e. the defence of revealed truth against the shifting objections of a science still too unstable] I should find that the highest Catholic Authority was against the attempt, and that I should have spent my time and my thought in doing what either it would be imprudent to bring before the public at all, or what, did I do so, would only complicate matters further which were already complicated, without my interference, more than enough. And I interpret recent acts of that authority as fulfilling my expectation; I interpret them as tying the hands of a controversialist, such as I should be, and teaching us that true wisdom, which Moses inculcated on his people, when the Egyptians were pursuing them, 'Fear ye not, stand still; the Lord shall fight for you, and ye shall hold your peace.' And so far from finding a difficulty in obeying in this case, I have cause to be thankful and to rejoice to have so clear a direction in a matter of difficulty."

Precisely *à propos* of Newman, whose great projects for the establishment of Catholicism in England were not welcomed till after his death, Père Clérissac has these penetrating lines: "When the dreamer of a great religious work is a man of great sensibility, he caresses his yvork as the fruit of his personal art: as a true artist he endoyvs it yvith subtle exigencies and febrile impulses. But the works of God are the fruits of reason and wisdom and, further, they must be such that they cannot be attributable to caprice, nor even to the genius of a human artist. Thus God gave the artist the honour of foreshadoyving and announcing the work, but He reserves its accomplishment to His Church and often by more humble instruments. This trial, this layv of purification of yvhat is human and individual, is imposed upon ideas as yvell as upon yvorks. If God did not yvill that St. Thomas Aquinas should complete his *Summa,* this yvas not because the humility of the great doctor was in peril, but because such matters are only elucidated and only completed in Eternity."[1]

5. But the canonical power yvill know how, when necessary·, to support bold initiatives—the founding of great orders, the great missionary ventures of such as Cyril and Methodius, the great reforming labours of men like St. Bernard. In the cultural sphere, consider how rapidly it rallied to the unfamiliar views of Augustine on the transformation of civilisation? or

1 *The Mystery of the Church,* London 1937, page 107.

1 " Up to Augustine all the Fathers were immersed in the current of the ancient civilization; they could not shake it off. They could not conceive the possibility of any other type of civilization; only one type of culture was possible for them, and no other political formula than that of the

again the rapid approbation of the innovating boldness of Albert the Great and Thomas Aquinas, when, to the scandal of so many bishops, they introduced into the current of medieval thought the suspect Aristotle, so full of pagan infection, "who brought in his train a crowd ofJews and Arabs whose commentaries were fraught with such danger".1

4. THE "SUPERIOR SENSE OF OPPORTUNENESS"

Provided that we look at things from a sufficiently elevated standpoint it becomes possible to understand what Père Clérissac has called " the superior sense of opportuneness belonging to the Church."

The general goodwill of the Church towards all governmental regimes, towards all peoples, and more generally towards various and even opposed cultural complexes; her readiness to bid farewell to the social formations that surrounded her infancy and were even able to serve her; the ease with which she accommodates herself—not indeed to settle down comfortably, but to make it the starting-point of her activities—to any situation that permits her to exist; her easy tolerance even of the appearance of cynicism when it is a question of avoiding greater evils2—all this, which is sometimes apt to hurt certain human sensibilities and to bring on the Church charges of indifference, opportunism, and even ingratitude, is, in reality, but a proof of her age-long condition as a stranger on this earth, a sign of her sovereign attachment to spiritual realities. Let us say that her mission is to use the things of time for the purposes of eternity, that her detachment is the reverse of a greater love, that her constant availability witnesses to a higher fidelity.

There are, as we have seen and will see again, two Christian ways, both necessary, two laws, by which temporal things are to be referred to the last end. They can be treated as pure means, and then they enter into the very structure of the Kingdom of God on earth; they are incorporated into the Church. They can also play the part ofintermediate ends, and then, although spiritualized and sublimated, they belong to the civil order, and remain extrinsic to the Church. The first law is that which the Church adopts for

Roman Empire . . . Augustine on the other hand was the author of the *City of God;* the man who saw and bore with the crumbling of Rome; not indeed unmoved, but without any real disorganization of a thought already prepared for it " (Henri-Irénée Marrou, *Saint Augustin et la fin dt la culture antique,* Paris 1938, p. 354).

1 J. Maritain, *St. Thomas Aquinas,* trans. J. F. Scanlan, London 1931, p. 39.

5 " In his novel *Jeunesse sans Dieu* . . . a young Hungarian writer, Odo de Horvath, who died in tragic circumstances in Paris in 1938, recalls that the State represents a natural necessity and is therefore willed by God, so that consequently the Church ought to collaborate with the State. But where is the State, he adds, that is not ruled by the powerful and the rich? And how collaborate with the State without being thereby obliged to collaborate with the powerful and the rich? The Church, above all else, has to do her own work and endure. She cares little if she looks cynical in taking the State as it is with all the injustices and impurities that disfigure it, merely trying to make it as little evil as possible. She can do nothing else: for the difficulties it brings on her there is no other mitigation than to have to do either with a weak State or with a State itself Christian—I say vitally, not merely decoratively Christian " (J. Maritain, *Raison et Raisons,* Paris, 1947, p. 297).

herself; it is that of her children acting precisely in their capacity as Christians and immediately for the Kingdom of God. The second law is that which the Church adopts for the Christian temporal order, that of her children acting like good Christians, but with the immediate purpose of rendering to Caesar and to the human order the things that arc due to them.

These two laws are holy, providential, and indispensable to the Church. Yet they are quite distinct. Under the first the Christian considers human things not indeed solely, but preferably, in their eternal aspect—"using this world as though they used it not, for the figure of this world passes away". What then attracts him is the likeness of the Cross of Christ in these tilings. It suffices to make perfect children of the Church: the Carthusians and the Trappists, St. Paul the Hermit, St. Benedict Joseph Labre, were perfectly children of the Church. Under the second law the Christian considers human things as having a value of their own. He takes them, not of course for a last end but for an intermediate end, for their beauty, for their intrinsic goodness, for the reflection of the creative splendour contained in them and constituting their mystery. This law too is required if there is to be a Christian temporal order, Christian kings, scholars, workmen, artists, Christian culture, a Christendom.

These two laws have not the same immediate aim or the same centre of gravity; nor, therefore, have they the same rhythm. There exists indeed no deep opposition between them, for they move to the same last end; rather, a state of tension, unhappy on occasion, but in itself fruitful and salutary. And that is why the Church can stand aside and console herself more easily than her children do for the disappearance of things that were dear to them. She fosters in them no taste for ruins. She renews their courage, turns them to new tasks, less brilliant it may be, but none the less urgent. Bernanos, characteristically, having begun by denouncing the evil opportunism due to the egoism of churchmen, continues: "The Church has a deposit, and guards it. She carries this Truth within her like a woman big with child, a precious fruit that draws all the blood, all the virtue of the maternal body till its maturity is achieved; which must await the coming of the Kingdom of God. There is nothing high or great in the world which she will not be ready to sacrifice when it comes to protecting that which she bears in her side. There is no engagement that she cannot break, no friend that she cannot abandon or disown for the security of the fruit of her womb; for if this is lost, all is lost, and if she gives it to eternity all will be re-established at one stroke. No injustice is supematurally irreparable if only the principle of justice is safe. And if the principle of justice is abolished all is afterwards nothing but injustice and disorder."[1] But "sacred characteristic of transcendent egoism" is not the right phrase. Père Clcrissac's is better: "the superior sense of opportuneness that is proper to the Church".

[1] *Sous auiru Français*, 1939, p. 245.

PERMANENT JURISDICTION: FURTHER DIVISIONS

j. *CONCLUSIONS ON THE JURISDICTIONAL POWERS*

A. The Gospel Words on the Jurisdictional Authority Indicative of Several Distinct Powers

In Jesus' commission to Peter—"Feed my sheep" (John xxi. 17), and: "Whatsoever thou shalt bind upon earth, it shall be bound also in heaven; and whatsoever thou shalt loose on earth, it shall be loosed also in heaven" (Matt. xvi. 19)—there are indicated (over and above the power of order) several jurisdictional powers: that of handing on the divine revelations (declaratory power) and that of promulgating ecclesiastical decisions (canonical or legislative power).

In the words: "Going therefore teach ye all nations . . . teaching them to observe all things whatsoever I have commanded you" (Matt, xxviii. 19-20), there are designated several teachings, several messages: the revealed message concerning the doctrine of faith and of morals, and the secondary message comprising the measures indispensable or useful for the diffusion, the understanding, and the practice of the first.

In the words: "I am with you all days even to the consummation of the world" (Matt, xxviii. 20), are indicated several spiritual presences of Jesus to those charged with the instruction of the nations, several assistances: the absolute or irreformable assistance, and the relative or prudential assistance.

In the words: "He that heareth you, heareth me: and he that despiseth you despiseth me. And he that despiseth me, despiseth him that sent me" (Luke x. 16), arc indicated several obediences, and consequendy as many rebellions: obedience or rebellion in theological matter in respect of the revealed message, and obedience or rebellion in moral matter in respect of the secondary message.

B. These Powers Not to be Seen as Separated

These various powers, messages, assistances and obediences, arc essentially distinct from each other. Yet they are not strangers to each other. They are implied in each other, the higher finding its normal complement in the lower. The declaratory power calls for the canonical power and its subdivisions; the revealed message calls for the secondary message; the absolute assistance calls for the prudential assistance; theological obedience calls for moral obedience. Between the former realities which are of the divine order and the latter which are of the ecclesiastical, the gulf is deep, and, in a sense, infinite. Nevertheless, if the realities of these two planes are to be sharply distinguished statically, from the standpoint of their structure they appear as most closely linked with each other dynamically from the concrete standpoint of their mutual influence. Hence it is that a man who fully accepts the divine order will not only believe in the existence of a canonical order but

will find his heart fully disposed to accept the directions of this canonical order: and the man who rebels knowingly and gravely against the directions of the canonical order will be almost inevitably led to rebel one day against the divine order itself. History' and psychology could show perhaps how all the dissidences began in some misunderstanding of the canonical message of the Church; and how all returns to unity began, on the contrary, by a recognition of her divine message. There is a way of shutting oneself up in the secondary which results in by-passing all great things; and there is a way of going straight to all great things, which ultimately leads one to see the profound wisdom of the secondary.

Newman makes use *(Apologia,* Chap. V) of a comparison that helps us to understand the connection of the declaratory and the canonical powers (although they are not, as he calls them, respectively direct and indirect, but both direct) : The authority of the Church "has the prerogative of an indirect jurisdiction on subject-matter which lies beyond its own proper limits, and it most reasonably has such a jurisdiction. It could not act in its own province unless it had a right to act out of it. It could not properly defend religious truth, without claiming for that truth what may be called its *pomeria·,* or, to take another illustration, without acting as we act, as a nation, in claiming as our own, not only the land on which we live, but what arc called British waters. The Catholic Church claims, not only to judge infallibly on religious questions, but to animadavert on opinions in secular matters which bear upon religion, on matters of philosophy, of science, of literature, of history ... It must of course be obeyed without a word, and perhaps in process of time it will tacitly recede from its own injunctions. In such cases the question of faith does not come in at all; for what is matter of faith is true for all times, and never can be unsaid."

C. Their Degree of Sanctity

If the directions coming from the jurisdictional power, though closely linked and ordered one to another, are not, on that account, all of equal importance; if the divine assistance which guarantees their truth, their justice and their prudence is not always and in every case infallible, yet its message as a whole is holy, and even in secondary and particular matters, in which lapses may occur, it still remains holy; on the one hand *radically* and in the majority of cases, since it represents the application of good and prudent general laws; and on the other hand *absolutely,* since the decisions by which it might come to command a sin are annulled in advance by the general laws of the Church.[1]

[1] Neither the universal secondary, nor, above all, the primary message of the Church, can be intrinsically affected by any error or any injustice. But how comes it that we are able to admit the presence of error and injustice in the secondary particular message of the Church teaching, while still excluding all stain from the Church believing and loving? It is because the instrumental and tendential holiness of the Church teaching is of less moment than the terminal and formal holiness of the Church believing and loving. Cf. the second volume of the French original of *The Church of the* Ifbrd *Incarnate,* ch. 7, s. 1, no. 3, §5.

D. The Relation Between the Jurisdictional Teaching and the Charity of the Church

The message of the jurisdictional power is welcomed by the faith and obedience of the faithful. It is cherished in the heart of the Church believing, loving, acting. Under one aspect it would be correct to say that it already supposes, in order to be fully received by men, the full collective outpouring of this *cantas viae,* which, like the soul in its body, works from within to form, organize and vivify the whole^Church, the whole Kingdom of God visibly present among us. But under another aspect it is this message itself that plays the primary part, since it is for it to open wide the ways on which the theological faith, the affective charity, and the effective charity of all the faithful—in other words, the contemplation and action of the whole Church, of the whole Kingdom of God among men—may march with sure step. In a sense it is first to the jurisdictional message (and in another sense it is first to Christian charity, which demands, welcomes and utilises this message) that are due the order, the unity, the perfect proportion of the Church, which sometimes astonishes even her enemies, as the beauty of the camp of Israel astonished the prophet Balaam in the desert.[1]

E. The Jurisdictional Power's Influence Direct on the Church and Indirect on the World

It is therefore only at the point at which the jurisdictional message touches mankind that there is produced the full outflow, the full collective, concerted, organic activity of Christian and sacramental charity, which, like an inner spring of virtue, unfailingly animates, sanctifies and spiritualizes the Church here below, the passible Body of Christ, the Kingdom of God in our midst. But it would be gravely erroneous to think that the directions of the jurisdictional power are content to act on the world only directly, and only at the point where they are openly and visibly received. In manifesting divine truth with unique power, they make their influence felt far beyond these limits. They attain, by repercussion, to much wider circles. They help to enlighten, sustain and save many of those who, without being in the Church openly, fully, in achieved act, belong to her already hiddcnly, imperfectly, in initial act. And the more the cultural unification of races and peoples progresses, so much the more docs spiritual influence and jurisdiction tend to overflow and to pass far beyond the apparent and humanly discernible limits of the Church.

[1] Here we have an application of the axiom on the reciprocal interplay of causes on each other; loving faith being first in the order of exercise, and the jurisdictional orientation being first in the order of specification.

Chapter VIII

FOURTH DIVISION OF THE PERMANENT JURISDICTION: PARTICULAR .AND UNIVERSAL JURISDICTION

We shall first of all recall that Christ Himself entrusted to the Church certain exceptional (or extraordinary) powers, and certain regular (or permanent) powers; and that the regular powers of jurisdiction comprise, by divine ordinance, two degrees. It will then be possible to enter on a detailed study of the particular or episcopal jurisdiction, and the universal or papal jurisdiction.

I. PRELIMINARY CONSIDERATIONS: APOSTOLATE AND EPISCOPATE

How did the apostolate give birth to the episcopate? In what sense are the bishops the successors of the Apostles? Did the episcopate come immediately from the hands of Christ? Did the Church receive from Him her definitive jurisdictional constitution? We Mil examine the teaching of the theologians on these points.

r. CHRIST'S CONFERRING OF CERTAIN EXCEPTIONAL OR EXTRA-ORDINARY POWERS ÆVD CERTAIN REGULAR OR PERMANENT POWERS ON THE APOSTLES: THE IMMEDIATE FOUNDATION OF THE PERMANENTJURISDICTIONBTCHRIST

Γ The Church came from the hands of Christ. The Gospel itself witnesses that it was immediately from Him that the Church received the basic constitution which she is to keep till the end of time: "As the Father hath sent me, so also I send you" (John xx. 21); "All power is given me in heaven and on earth. Going therefore, baptize ye all nations . . . and behold I am with you all days even till the consummation of the world" (Matt, xxviii. 18-20). And that is why we are able to profess, in the anti-modemist oath, "that the Church, the guardian and teacher of the revealed word, was established immediately and directly *[proxime ac directo institutam}* by the true and historic Christ, while He lived among us". He gave her at once both the exceptional and temporary powers and the regular and permanent powers.

PERMANENT JURISDICTION: FOURTH DIVISION

On the Apostles whom He chose that "they should be with him" (Mark iii. 14), for whom He performed miracles to touch and awaken their hearts (vi. 52), to whom He explained the meaning of the parables (iv. 11) and of the Scriptures (Luke xxiv. 45), to whom He appeared over a period of forty days to instruct them on the Kingdom of God (Acts i. 3), and who were to be witnesses of His life and resurrection (i. 22), the Saviour poured out a hidden power wliich associated them in an exceptional way with the foundation of His Church, enabling them to launch heron the world with the initial impulsion which would carry her from age to age to the end of her history. They would have authority to promulgate certain sacraments; they would have plenary prophetic knowledge of the revealed deposit; they would be inspired to manifest this deposit to the world; and wherever they went they would themselves found local Churches. These privileges are apostolic in the sense that the Apostles were their *sole* depositaries. They constitute what we have called, in the most restricted sense, "the apostolate". They were intransmissible; and if the Church is called apostolic to-day, it is not because she possesses them, but simply because she issued from them and because they presided at her birth. They were to be found in an equal degree in each of the Apostles. But since they were granted only in view of the foundation of a Church which was essentially destined to be governed by a single visible ruler, they tended of themselves to place the Apostles, in all that concerned the government of the Church, in dependence on the trans-apostolic powers entrusted by Christ to Peter.1 So that the Apostles themselves were counted among those sheep of Christ having Peter for visible shepherd.2 And when Peter died they would remain, as regards ecclesiastical government, subject to the supreme and regular power over the universal Church which would pass on from Peter to his successors.3

Within these exceptional and temporary privileges concerned with the

1 The thesis of Marsilius of Padua and John of Janduno that " the blessed Apostle Peter had no greater authority than the other Apostles and was not their head " was condemned by John XXII on the 23rd October 1327 (Denz. 496). When St. Robert Bellarmine affirms that " the supreme ecclesiastical power was given not to Peter alone but also to the other Apostles " he explains at once that " it was given to Peter as ordinary Pastor, to be handed on in perpetuity; and to the others as legates without successors " *(De Romano Pontifia,* lib. I, cap. ix), and he adds that the Apostles had the plenitude of this power " in such a manner that Peter was their head, and they depended on him, not he on them " (ibid., cap. xi), that they were equal in apostolic power, *in apostolica pcUstale,* but not as regards each other, *non inter se* (ibid., cap. xii). But how could they have the *supreme* power if they *depended* on Peter, and if they were unequal *inter se?* They have it *episodically,* in order to found the Church as to her historical appearance, not *structurally* in order to found the Church as to her permanence in the present.

1 St. Thomas notes in one and the same text that Paul was *subject* to Peter and that he was his *equal* " aliquo modo " (II–II, q. 33, a. 4, ad 2). And Cajetan was to say that the Apostles were equal *as Apostles* ; but that, *as sheep of Christ,* deprived here below of His visible presence, they were entrusted to the care of Peter, the sole pastor *(De Comparatione Auctoritatis Papae et Concilii,* cap. iii, no. 23).

1 St. John, explains Cajetan, was the equal of Pope St. Clement as regards the power of carrying out Christ's design, for example in founding local Churches: he could do, in virtue of his apostolate, what the Pope did in virtue of his regular power. St. Clement (the Pope) was superior as regards authority to rule the universal Church. But St.John was superior as regards the teaching of faith and morals because he could write inspired canonical books (ibid., cap. iv, no. 53).

founding of the Church there lay hidden the ordinary and permanent powers concerned with preserving the Church; powers by which the Apostles were not only the causes of the Church's coming into being but were also her first regular heads. These arc the powers that are apostolic in the sense that the Apostles were not their only, but their first, depositaries. They passed as they stood to the Church, which therefore on this new ground deserves to be called apostolic. These are the powers of order and jurisdiction. They depend on Peter, sole visible head of the body of the Church, and it is from him, consequently, that the other .Apostles were regularly to receive them; but, by a singular favour, they received them in fact immediately from Christ.[1] Here we may recognize the ordinary' and permanent powers of jurisdiction which we have opposed to the "apostolatc" understood in the restricted sense, by calling them the "pontificate".

Thus all the powers possessed by the Apostles, whether exceptional or regular, of order or ofjurisdiction, apostolatc or pontificate, came to them immediately from Christ.

2. *THE OPINIONS OF BELLARMINE AND SUAREZ ON THE POWERS OF ORDER AND JURISDICTION IN THE APOSTLES*

The thesis I have just set out is that which is to-day the most generally accepted, and is in my opinion the only correct one. Nevertheless, it has not been accepted by several great theologians.

Following Turrecremata's *Summa de Ecclesia,z* St. Robert Bellarmine holds, in his *De Romano Pontifice,3* that Peter alone received episcopal consecration immediately from Christ, and that the other Apostles received it from the hands of Peter. If it be objected that the apostolatc supposed the powers of order and of jurisdiction and that it was conferred by Christ directly on all the Apostles, Bellarmine replies that the apostolate carried with it only the right to preach and a delegated jurisdictional power of wide

[1] This is Cajetan's teaching: 4' In giving the Church her *normal* and permanent constitution, Jesus Christ founded her on the monarchical principate, on the principate of one alone, and He made Peter sole head of the whole body of the Church, the source of the powers ofjurisdiction and order which were to pass to the other Aposdes: that is what is meant by all the ecclesiastical authors when they affirm the dependence of all the faithful on Peter. But exceptionally, just as Christ at the Last Supper forestalled Peter by Himself giving the power of *order* to (he other Aposdes . . . so He forestalled him by Himself giving them the *authority* to govern, manage and judge the Church. And just as the superiority of Peter, the head of the Church, is in no wise invaded by the fact that the other Apostles did not receive the power of order from him, since that was due to no lack of power in Peter or any cxempdon of the rXpostles, but to the special favour of Christ who gave straight to the other Aposdes what was to come to them in a regular way through Peter; so the excellence of die jurisdictional power of Peter is not injured by the fact that the Saviour gave to the other Apostles, by favour, a power they were to receive regularly from Peter" *{De Comparatione Auctoritatis Papae et Concilii,* cap. iii, no. 33). We must note a difference however in the way in which the power ofjurisdiction and the power of order respectively derive from Peter. The supreme power of jurisdiction is found, of itself, in the Pope alone, so that schism and heresy cut episcopal jurisdiction away from its roots. The power of order dwells in its fullness in each bishop, so that it can be transmitted validly, although Ûlîcidy» in schism and heresy.

[8] Lib. II, cap. xxxii.

[1] Lib. T, cap. xxiii.

extension but including neither the power of order nor the episcopate. If it be insisted that on this view the bishops would not be successors of the Apostles, he replies that the bishops arc certainly the successors of the Apostles, not however because the apostolatc included the episcopate, but because the /Xpostlcs were, additionally, bishops—that they were even the first bishops of the Church although they were ordained by Peter and not by Christ. What arc we to think of this view?

Let us begin by clearing up all merely verbal disagreement. If the name "apostolatc" be reserved for the jurisdictional powers which were the exclusive privilege of the Apostles, it is clear, as Bellarmine says, that the bishops, not possessing these exceptional powers, would not succeed the Apostlesin any proper way, in the way in which one bishop succeeds another;1 they succeed the Apostles not inasmuch as they were Apostles, but inasmuch as they were bishops. But if by "apostolatc" we mean the totality of the extraordinary and ordinary powers conferred on the Aposdes, the bishops would then properly succeed the Apostles in respect of all the regular powers of the apostolatc, but not in respect of the exccpdonal powers.

This question of vocabulary once out of the way, two points of fact remain to be cleared up, though their importance for the rest might seem secondary. The first concerns the power of order, and the second that of jurisdiction.

On the first point, relating to the power of order, St. Robert Bellarmine considers that the Aposdes had to receive from Peter the fullness of the power of order; Cajetan dunks, on the contrary, that they received it immediately from Christ, e.g. at the Last Supper, and Suarez, who is of the same opinion, adds that it is hardly possible to allege any valid ground for thinking otherwise.2 These views of Cajetan and Suarez seem to me hardly open to question, and I shall take them for granted.

x On the second point, relating to the power of jurisdiction, St. Robert Bellarmine considers that the Aposdes, having received the supreme ecclesiastical power from Christ, could not be other than extraordinary and delegated pastors, without any possible genuine successors as far as jurisdiction is concerned,3 and Suarez considers similarly that the Apostles possessed a delegated general jurisdiction, without themselves having the transmissible ordinary episcopal jurisdiction;4 but John of St. Thomas believes, on the contrary, that besides the extraordinary jurisdictional power that they had as founders, as causes of the coming into being of the Church, the Aposdes had a regular jurisdictional power for her conservation, attached to their power of order, which would pass as it stood to their successors.5 Billot, who is of the same opinion, notes that this assertion is not gratuitous but based on the idea of the bishops as successors of the Aposdes (even as regards

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1 *De Rom. Pont.,* lib. IV, cap. xxv.
2 *De Fide,* disp. io, sect, i, no. 7.
3 *De Rom. Pont.,* lib. IV, cap. xxv.
4 *De Fide,* disp. 10, sect. I, no. 4.
5 II-II, qq. i to 7; disp. I, a. 3, nos. 12 and 13; vol. VII, p. 181.

jurisdiction), and that it is inconceivable that during the period of foundation the Church was not yet in possession of her final and permanent constitution.[1] Finally, and above all, it was expressly with episcopal *jurisdictional* power in view that the Vatican Council declared the bishops to be *successors* of the Apostles.[2] We shall have to return to the meaning of this assertion and to the point that here sets Bellarmine and Suarez in opposition to other theologians.

3. POINTS OF agreement: the extraordinary jurisdiction OF THE APOSTLES

In the Gospel texts addressed to the Apostles in view of a mission extending to all nations and to all times, it is evidently impossible not to recognize—enveloped no doubt in exceptional and temporary' privileges, but nevertheless clearly formulated—the promise of the permanent, ordinary, transmissible jurisdictional powers needed to preserve the revelation unaltered down the ages, and for taking, as circumstances might dictate, all the measures required for the spiritual good of souls. "The Paraclete, the Holy Ghost, whom the Father will send in my name, he will teach you all things, and bring all things to your mind, whatsoever I shall have said to you" (John xiv. 26); "It is expedient for you that I go; for if I go not, the Paraclete will not come to you: but if I go I will send him to you" (xvi. 7); "When the Spirit of Truth is come, he will teach you all truth" (xvi. 13); "Go ye into the whole world and preach the gospel to every creature" (Mark xvi. 15); "Going therefore, teach ye all nations . . . teaching them to observe all things whatsoever I have commanded you: and behold I am with you all day's, even to the consummation of the world" (Matt, xxviii. 19-20); if the brother who has sinned "will not hear the church, let him be to thee as the heathen and the publican. Amen I say to you, whatsoever you shall bind upon earth shall be bound also in heaven, and whatsoever you shall loose upon earth shall be loosed also in heaven" (Matt, xviii. 17-18).

4. POINTS OF DIVERGENCE: DOES THE EXTRAORDINARY JURISDICTION CONTAIN THE PERMANENT VIRTUALLY OR FORMALLY?

How are we to understand the power ofjurisdiction indicated in these great texts?

Is it only, as Bellarminc and Suarez believe, an exceptional power to found the Church, one in which the regular power for conserving her w'ould be contained only in potency, virtually, analogically, as the flower in the stem, the effect in its cause? If we take this view, the Church would have received her definitive statute, not immediately from the hands of Christ, but from those of the Apostles.

Was it not rather, as Cajetan, John of St. Thomas, and many modem theologians believe, an exceptional power to found the Church in which the

[1] *De Ecclesia Christi,* Rome !921, q. 13, th. 26, §2, pp. 554 and 561. [2] Denz 1828

regular power of conserving her was contained expressly, formally, univocally, as a part in the whole?

In support of this second view we may bring a twofold argument:

a. All theologians admit that the Apostles possessed the plenitude of the power of order and a mission to hand it on to the bishops, their successors. But if the plenitude of the power of order is the basis of, and normally brings with it, an ordinary jurisdictional power[1] is it not natural to conclude that the Apostles, who possessed the power of order in a regular and transmissible way, possessed also an ordinary and permanent jurisdictional power in a regular and transmissible way, masked if you like under their extraordinary jurisdictional power; and that they had a mission to pass it on to their successors? The bishops then w'ould be successors of the Apostles not only as regards their power of order but also as regards their regular power of jurisdiction.

b. If that is so, the proposition we meet with in the Fathers,[2] and which the Church makes her own,[3] according to which the bishops are the successors of the Apostles, can receive its full meaning. On the contrary, Bellarmine and Suarez arc led to maintain that the Apostles possessed only the extraordinary and intransmissible jurisdiction, and did not formally have the ordinary and transmissible episcopal jurisdiction.

Hence the important consequence : according to the commoner view, which I have adopted, the Church received her definitive jurisdictional constitution immediately from the hands of Christ.

5. *PETERS RECEPTION, DIRECT FROM CHRIST, OF NOT ONLY HIS EXTRAORDINARY APOSTOLIC POWER BUT ALSO HIS PERMANENT PO WER OVER THE WHOLE CHURCH*

For Peter, at least, what was received immediately from the hands of Christ was indubitably a regular ordinary power, transmissible for all time;

[1] cf. Jolin of St. Thomas: " Alia potestas erat circa regimen Ecclesiae et gubernationem ejus, quae pertinebat ad Ecclesiam quasi ad ejus conservari, *et innitebatur potestati ordinis in apostolis* " (II–II, qq. 1-7, disp. 1, a. 3, no. 13; vol. VII, p. 181) : also Billot: " The power of order cannot exist without jurisdiction in the bishops, in whom is the plenitude of the episcopate " *(De Ecclesia Christi,* q. 13, th. 26, §2, p. 555).

[*] St. Jerome: " With us, the bishops hold the place of the Apostles; with them [the Monlanists] the bishops come in the third rank " *(Epistola XL·!, Ad Marcellam,* no. 3; P.L. XXII, col. 476). Or St. Augustine: " What is the meaning of *Instead of thy fathers sons are bom to thee?* The fathers who have been sent are the Apostles, and in place of Apostles sons are bom to thee, bishops are established. The bishops who to-day are spread throughout all the world, whence are they bora? " *(Enarr. in Psal.,* xli).

[3] At the Council of Florence: " Of the Apostles alone, *whose place is taken by the bishops,* we read that they gave the Holy Spirit by the imposition of their hands " (Denz. 697). At the Council of Trent: "The holy Synod declares that above the other ecclesiastical degrees the bishops, *who have succeeded to the place of the Apostles,* belong principally to the hierarchical order, and that they were, according to the Apostle's word (Acts xx. 28), established by the Holy Spirit to rule the Church of God " (Denz. 960). And above all at the Vatican Council which speaks of the jurisdiction in virtue of which " the bishops established by the Holy Spirit *to succeed the Apostles,* feed and rule, like true pastors, the flocks respectively assigned to them " (Denz. 1828). Wc may cite finally the Code

in virtue ofit, on the precise point of the government of the universal Church, his relation to the other .Apostles was not one of equality, but the relation ofa shepherd to his flock. The Saviour made him not merely the same promises as he made to the others, but promises still more astonishing by which he was designated as the foundation stone of the Church and the keybearer in this world of the Kingdom of Heaven—"And I say to thee: That thou art Peter; and upon this rock I will build my Church, and the gates of hell shall not prevail against it. .And I will give to thee the keys of the Kingdom of Heaven. And whatsoever thou shalt bind upon earth, it shall be bound also in heaven: and whatsoever thou shalt loose on earth, it shall be loosed also in heaven" (Matt. xvi. 18-19)—and again: "Feed my sheep" (John xxi. 16-17). When He made these promises, the new powers conferred thereby were, besides the exceptional and intransmissible powers common to all the Apostles, the regular, permanent, transmissible powers in virtue ofwliich, from the morrow of the Ascension, Peter and his successors were to be the ultimate visible foundation of the Church, the stewards of the Kingdom of Heaven, the supreme shepherds of all the sheep of Christ. The divine Word, by reason of the mysterious love that impelled Him to become incarnate to heal our wounds through this sensible contact, had willed to become Himself the Master, Teacher and Visible Head of the apostolic band, which He sent to preach the Kingdom of God; at the same stroke He had willed to give His Church its first constitution by organizing it around Himself as a single visible centre. When He withdrew His visible presence from men, He had either to replace this first organization of the Church by a new one, or else, if He wished to preserve His work as it stood and develop it along its original lines, to have recourse to the sole remaining solution: namely, to single out one of the Apostles from the rest by promising him a special assistance, powerful enough, effectual enough, to enable him to become the visible spokesman of Christ, His Vicar on earth, a permanent visible centre of organization for the universal Church. *"Since Christ was about to withdraw His bodily presence from the Church,*[1] says St. Thomas Aquinas, who here touches the root of the question, "He needed to appoint one to take His place in governing the whole Church. Wherefore, before His Ascension, He said to Peter: *Feed my sheep',* and before His Passion: *Thou, being once converted, confirm thy brethren*; and to him alone He made the promise: *To thee I will give the keys of the Kingdom of Heaven*; whence it results that in order to safeguard the unity of the Church, the power of the keys was to descend from Peter to the others."[1] And again: "If the power of binding and loosing was given to all the Aposdes in common, nevertheless a hierarchy appears in this power, and that is why it is given first to Peter alone, as to him from whom it should pass down to the others."[2]

of Canon Law: " The bishops are *the successors of the Apostles,* and in virtue of a divine institution they are placed at the head of particular Churches and rule them with an ordinary power under the authority of the Roman Pontiff" (can. 329, §1).

[1] *IIV Contra Genies,* cap. beevi.

[2] *IIV Sent.,* dist. 24, q. 3, a. 2› quaest. 3, ad 1.

6. *THE PERMANENT JURISDICTION DISTRIBUTED, BT DIVINE ORDINANCE, ON TWO PLANES: EITHER PARTICULAR OR UNIVERSAL*

"And it cannot be said," continues St. Thomas, "that although He conferred this dignity on Peter, it docs not pass from him to others. For it is evident that Christ so instituted His Church that it would endure to the end of the world ... and that those He appointed to the ministry then and there, were, for the good of the Church, to communicate their powers to their successors until the end of time: especially since He says: *Behold I am withyou all days, even to the consummation of the world."*[1]

As the privileged and exceptional powers of the Apostles became gradually extinct, and their regular, permanent and transmissible powers alone survived, it more and more appeared that, unlike the regular power of Peter which extended over the universal Church, the regular powers of the others were destined by their nature to feed particular flocks and to be limited to local Churches: Timothy seems to rule in Ephesus (i Tim. i. 3) and Titus in Crete (Titus i. 5).

Consequently, it was due to a provision of divine law that the regular jurisdictional power was to reside, on the one hand in the Apostles and their successors so as to make them shepherds of a *particular* flock; and on the other, in Peter and his successors, so as to make them supreme shepherds of the *universal* flock. By the imprescriptible will of Christ the hierarchy of the Church had, as regards the power of order, three degrees, bishops, priests, and ministers, but, as regards the power of jurisdiction, two: the supreme pontificate or Papacy[2] and the subordinate pontificate or episcopate. "If the power of Peter and lais successors is plenary and sovereign," wrote Leo XIII in his Letter *Satis Cognitum,* of the 29th June 1896, "we are not to believe that there is no other power in the Church. He who established Peter as the foundation of the Church also *chose twelve of them whom also he named Apostles* (Luke vi. 13). And just as the authority of Peter was to be perpetuated in the Roman Pontiff, so the ordinary power of the Apostles passes to the bishops who succeed them, so that the episcopal order is a necessary part of the internal constitution of the Church. And although their authority is neither plenary [in the sense in which that of the Pope is plenary] nor universal, nor sovereign, they are nevertheless not to be regarded as simple *vicars* of the Roman Pontiff, for they possess an authority proper to themselves, and are very truly called the *ordinary* prelates of the peoples they govern."

To define the relations between the Papacy and the episcopate—that is between the two degrees of the fourth of the great divisions of the permanent jurisdiction—we must apply, on the supernatural plane, the general principle

[1] *IV Contra Gentes,* cap. Ixxvi.

[3] The primitive term designating the power of the Bishop of Rome was *primatus.* The term *papalus* first appears, according to Ducangc, in Leo of Ostia, in the twelfth century. On this point, and on the various titles of the primacy such as *principatus, sedes apostolica,* etc. see Batiffol, *Cathedra Petri, Etudes d'histoire ancienne de l'Eglise,* Paris 1938, pp. 24, 199, 83 et seq.

that die good of the part and the good of the whole differ not only *quantitatively* according to more or less, but also *qualitatively* according to species.[1] Then we shall be in a position to determine with some precision the relations between the episcopal jurisdiction, ordered immediately to the good of a particular Church, and the papal jurisdiction, ordered immediately to the good of the universal Church.

7. *THE DERIVED DIVISIONS ARISING FROM* OLVO.V *LAW*

The other divisions of the power ofjurisdiction do not arise from the divine law but from the ordinances ofecclesiastical law. Just as, in effect, the Church has extended the power of order of deacons, of the simple ministers, to several inferior functions (sub-diaconate and Minor Orders), so she has extended the power ofjurisdiction to several inferior levels. The power of the sovereign pontificate, participated up to a point, has given birth to the power of the Cardinals, of the Roman Curia, of the Legates, of the Patriarchs, of the Primates, of the Metropolitans, of the Vicars and Prefects Apostolic, of the superiors of religious and so on. If the Patriarchs of Alexandria and of Antioch had, for example, according to the old ecclesiastical discipline, the right to appoint the bishops of their provinces and to exercise other functions of a general order, this was not in virtue of powers properly belonging to their episcopal office; it was in virtue of added powers, which they possessed, in reality, as vicars of Peter. The *episcopal* power is shared by the Vicars-General, for example, or, in a limited way, by the simple parish priests who can preach, administer the sacraments and grant certain dispensations. But the jurisdiction *proper* to the Pope is never devolved otherwise than partially—for example, on the Roman Congregations; hence, although it is ordinary, that is to say attached to their office, the jurisdiction of the Roman Congregations is not a proper but a vicarious jurisdiction. So also the jurisdiction proper to the bishops is only partially devolved on the parish priests; hence, although it is ordinary, i.e. attached to their office, their jurisdiction is not a proper but a vicarious jurisdiction. These secondary divisions of the jurisdictional power are studied in Canon Law.II.

II. THE PARTICULAR JURISDICTION PROPER TO BISHOPS

I. UNITARY EPISCOPATE AND COLLEGIATE EPISCOPATE

The regular powers of the Apostles passed to the episcopate which, in the beginning, w'as sometimes unitary, sometimes collegiate.[2] Where the

[1] St. Thomas, *In Polit.,* lib. I, lect. I; and 11–II» q. 58, a. 7, ad 2.

[1] Mgr. Duchesne writes: " The view that the episcopate represents the apostolic succession, is in accordance with the sum-total of facts as we know them. The first Christian communities were governed at the outset by apostles of various degrees, to whom they owed their foundation, and by other members of the evangelising staff. But in the nature of things, this staff was ambulatory and unsettled, and the founders soon entrusted specially instructed and trustworthy neophytes with the permanent duties which were necessary to the daily life of the community: such as the celebration of the Eucharist, preaching, preparation for baptism, the presidency in assemblies, and the

episcopate was unitary, that is to say in numberless Christian communities, no difficulty arises. Where the episcopate appears as collegiate, three suppositions arc possible. Either we may suppose that the presbyters, who, as the Epistles of St. Paul and St. James show, presided together in certain Churches, were all true bishops—and they certainly were so at Alexandria, where they replaced a deceased bishop not only by electing, but also by consecrating his successor—and then there is no difficulty about the transmission of the hierarchic powers. Or wc may suppose on the contrary that they were simple priests, one only among them being truly bishop, and then die hierarchic succession was assured by the latter. Finally, supposing that none were more than simple priests, wc should have to say that it was owing to authentic itinerant bishops—such as Timothy and Titus to some extent were—that the apostolic powers came down over their heads to us. Which of these suppositions was verified in fact may be left to the decision of the historian.[1]

temporal administration. Sooner or later the missionaries were obliged to leave these young communities to themselves, and the entire direction of affairs fell into the hands of the leaders who had formed part of the local community. Whether they* had one bishop at their head, or whether they had a college of several, the episcopate still carried on the apostolic succession. It is equally clear that, through the apostles who had instituted it, this hierarchy went back to the very beginning of the Church, and derived its authority from those to whom Jesus Christ had entrusted His work. But wc can go further still, and show that if the system of government by a single bishop represents in some respects a later stage of the hierarchy, it was not so unknown in primitive day's as it might appear . . . the primitive community' in Jerusalem lived at first under the direction of the twelve apostles, presided over by Peter. A council of ' elders ' *(presbyteri,* priests) and a college of seven deacons completed this organization. Later on, a ' brother ' of the Lord, James, takes his place beside the apostles, sharing their superior authority. When the apostles dispersed, he look their place alone, and assumed the position of head of the local Church. Upon his death (61 a .d .) a successor was appointed, also a kinsman of the Lord, Simeon, who lived till about I to a .d . This Jerusalem hierarchy presents exactly the grades of rank which, later on, became universal.[1] In the second community, that of Antioch, the unitary* government was traditional from the beginning of the second century when St. Ignatius gave it such fame: " This testimony to the existence of the episcopacy is the very* reason why his letters were so long viewed with suspicion in some quarters. But Ignatius does not speak of the monarchical bishop as a new institution . . . Towards the middle of the second century, the monarchical episcopate also comes before us as an undisputed fact of received tradition, in the Western Christian communities of Rome, Lyons, Corinth, Athens and Crete, as well as in more eastern provinces. Nowhere is there a trace of any protest against a sudden and revolutionary change, transferring the government from a college of bishops to a single monarchical ruler. From the second century* onwards—in some places at least—it was possible for them to name the bishops linking them to the apostles . . . the line of succession of the bishops of Rome dates back to St. Peter and St. Paul, and is known to us through St. Irenaeus; that of Athens, dating back to Dionysius the Areopagite, is given by St. Dionysius of Corinth . . . What conclusion can be drawn from all this, if not that the system of government by a monarchical bishop was already in existence, in countries west of Asia, at the time when such books were written as the *Shepherd of Hernias*, or the *Second Epistle of Clement*, the *Teaching of the Apostles,* and the *First Epistle of St. Clement;* and that, therefore, the testimony of these old writers to the collegiate episcopate does not preclude the existence of the monarchical episcopate? " *(The Early History of the Churchy* vol. i, pp. 63-9).

[1] As far as the *name* goes, notes St. Thomas in this connection, bishops and priests were not distinguished in the primitive Church. But as for the *thing,* they have always been distinct, even in the time of the Apostles; and if the Apostles are prototy*pes of the bishops, the seventy-two disciples (Luke x. 1) are die prototypes of priests of the second rank. Later on, to avoid schism, the names also had to be distinguished, and St. Augustine *(De Haeresibus,* LIII) counts as a heresy the doctrine of /Xerius, according to which priests differ in nothing from bishops (cf. II–11, q. 184, a. 6, ad 1). See Excursus II, no. 5.

2. *THE EPISCOPA TE, IN DIVINE LA JV, ESTABUSHED FOR PARTICULAR CHURCHES*

The episcopate early appears as the authority instituted for a particular Church, a local Church. That applies also to the collegiate episcopatel no less than to the unitary. The seven angels to whom St. John addressed his Apocalypse represent the bishops—not really angels, since some of them are reprimanded—as identified with their respective local Churches. Later on, towards no, St. Ignatius of Antioch refers to the bishop as exercising the supreme power in each local Church : "Be careful to partake ofone Eucharist; for there is but one flesh of our Lord Jesus Christ, one cup to make us one in His blood, one altar, as there is but one bishop surrounded by the priests and deacons."1 His power,according to St. Ignatius, is plenary': "Wherever the bishop appears there also let the people be; as wherever is Jesus Christ there is the Catholic Church. Without the bishop it is not lawful either to baptize or to celebrate the Agape, *agapen.* But all that he shall approve will be pleasing to God; and so all that is done will be sure and valid ... A sound maxim is to keep God in view always and the bishop. He who honours the bishop is honoured of God; to act without the bishop is to serve the devil."3 Here, clearly, we have the episcopal power, and limited to a local Church.

The bishops, says the Code of Canon Law, in a text already cited, "are the successors of the Apostles, and, in virtue of a divine institution, they are placed at the head of particular Churches, which they' rule with an ordinary power, under the authority of the Roman Pontiff".4

3. *THE BISHOP'S PO WERS .-15 SHEPHERD OF HIS O* JK,V *PARTICULAR FLOCK*

The bishop is the shepherd of the flock assigned him. It can be said that, in the widest sense, the rôle of a shepherd is to attend to the preservation and propagation of life within the flock itself. In a narrower sense, the shepherd has to lead the sheep in the right path.

These two rôles, that of looking after the preservation and propagation of spiritual life, and that of directing the belief and action of the faithful,

l Those whom the Scripture calls '* episcopi " or " presbyteri " arc set to feed a particular flock: " Take heed to yourselves and to the whole flock, wherein the Holy Ghost lias placed you bishops to rule the Church of God, which he hath purchased with his own blood " (Acts xx. 28) ; a determinate which they had to watch over: " I left thee in Crete," writes St. Paul to Titus, " that thou shouldst set in order the things that arc wanting, and shouldst ordain priests in every city . . . For a bishop must be without crime, as the steward of God " (Titus i. 5-7); a particular *Church* which they are to govern: " Feed the flock of God which is among you [it is a question of presbyters], taking care of it not by constraint, but willingly according to God; not for filthy lucre's sake, but voluntarily. Neither as lording it over the clergy but being made a pattern of the flock from the heart. And when the Prince of Pastors shall appear you shall receive a never-fading crown of glory " (1 Pct. v. 2-4).

3 *Epistle to the Philadelphians,* IV.

l *Epistle to the Church at Smyrna,* VIII and IX.

4 Can. 329, §t.

belong to the bishop: the first in virtue of the power of order, and the second in virtue of the power of jurisdiction.

The bishop possesses the plenitude of the power of order. Ordinarily it is he who confirms Christians in the grace of their Baptism. Above all, he alone can ordain priests, and it is by their ministry that the waters of Christ's redemption spring up day by day in every place in the midst of the flock to preserve and propagate life—that is to say, grace.

Besides the episcopal power of order, the bishop possesses the episcopal power of jurisdiction. The bishop's jurisdiction over his local Church is plenary, immediate, proper or ordinary. It can be exercised even during a vacancy of the Holy See.[1]

a. The spiritual jurisdiction of the bishop over his flock is first of all *plenary.* He has authority to teach in the name of Christ the *speculative* truth to be believed. "Λ bishop . . . must be able to exhort in sound doctrine and to convince the gainsayers" (Titus i. 9); and by way of comment on these words of St. Paul, St. John Chrysostom writes: "If he does not do it, all is lost. He who does not know how to resist the enemy, how to bring all minds captive to the obedience of Christ, how to dispose of false reasonings, he who is unable to teach according to true doctrine, let him not occupy the throne of doctrine. Other qualities may be found among the faithful . . . but the thing that characterizes the master is the power of making his word understood."[2] He has authority moreover to lay down, in Christ's name, the *speculatively practical* and *practically practical* truth to be observed. Or, to turn to another way of dividing the jurisdictional powers, the bishop, who is the guardian of faith and morals in his own diocese, has (1) to put the faithful in mind of the great revealed teachings of the Christian faith and the great revealed imperatives of Christian morals (primary' message); (2) to hand on to them the general prudential measures promulgated for the universal Church (secondary message); and (3) to exercise the canonical power himself, on his own responsibility, with a view to assuring a better acceptance of the primary message and the universal secondary message in his own diocese; so that in the things that concern the salvation of souls—in those things alone, but in all of them—he has the sole authority to legislate, to judge, and to apply sanctions.[3] And if simple parish priests arc called pastors, they are known to be so only in a vicarious way (their ordinary jurisdiction derives, by a provision of ecclesiastical law, from that of the bishops), and partially (they can preach, and administer the sacraments, grant certain dispensations, but not legislate). "Properly speaking," says

1 Wc shall see further on that the bishop receives from his union with the reigning Sovereign Pontiff certain ampler powers by which he partakes in the sovereign jurisdiction over the universal Church.

2 *In Epist, ad Titum,* cap. i, homil. 2; P.G. LXII, col. 673.

3 This is the authority of particular providence, distinguished by Franzelin from the authority of the universal ecclesiastical and doctrinal providence, enabling bishops " to preach and defend the doctrine already proposed by express definition or by the consent of the Church, or by the decisions of the universal ecclesiastical providence, but not to settle questions freely debated among Catholics" *(Tractatus de Divina Traditione et Scriptura,* pp. 128 and 153).

St. Thomas, "the bishop alone is head of the Church, he alone wears the nuptial ring of the Church, he alone possesses as of personal right the full power of dispensing the sacraments and the judicial power that the others only borrow. The priests who have the cure of souls are not true rulers but coadjutors of the bishop: *the weaker we are* says the bishop when consecrating them, *the more we hare need of such aids.* And that is why it does not belong to them to administer all the sacraments."[1] Thus when the bishop, thanks to the plenitude of the power of order, has given his flock Christ and the grace of Christ, he keeps them, by the power of jurisdiction, in unity of belief and unity of action. "The bishops" says the Code of Canon Law, "have the right and the duty of governing their dioceses in both spiritual and temporal matters, with legislative, judicial and coercive power, to be exercised according to the rule of the sacred canons."[2] And again: "Although the bishops either singly or sitting in local Councils have no doctrinal infallibility, they are, nevertheless, under the authority of the Roman Pontiff, true teachers and masters of the faithful committed to their care."[3]

b. The bishop's jurisdiction is *immediate.* He can reach every member of his flock directly without having to go through any intermediary. In the thirteenth century there were some who contested this truth. In their fierce struggle against the mendicant orders, Franciscans and Dominicans, William of St. Amour and Siger of Brabant denied that jurisdiction to preach and hear confessions could be delegated to these religious. They maintained that the bishops, having given this double jurisdiction to the priests, could no longer resume it and delegate it to others, and that they themselves had no longer any right to exercise it in the parishes of their dioceses save only with the assent of the parish priests. The archbishop, they said, does not directly intervene in the suffragan dioceses save only to deputise, and it is the same with the bishop in the parishes. It was then, in defence of the mendicant orders, that St. Thomas wrote his *Contra Impugnantes Dei Cultum et Religionem,* in which he recalled the traditional doctrine on the jurisdiction of bishops and of parish priests: "There is no parity," he says, "between the relation of the priest to his bishop and that of the bishop to his archbishop. For the archbishop has no immediate jurisdiction over the diocesans of another bishop, save in matter specially referred to him [niri *ex appellatione] ;* but the bishop has immediate jurisdiction over the parishioners of his priests, so that he can cite any one of them before him and cut him off from communion . . . The difference arises from the fact that the power of the priest, being imperfect, is under the power of the bishop both by its own nature and by the divine law. The bishop is subject to the archbishop only in virtue of a provision of the ecclesiastical law and within its limits. The priest on the contrary, who is subject to the bishop in divine law, is subject to him in all things.

[1] *IV Smt.,* dut. 20, q. 1, a. 4, quaest. 1.

[2] Cap. iv. cf. *Quodlibet* 12, q. 19, a. 30.

c. Lastly, the bishop's jurisdiction is *ordinary,* and *properly* his.[1]

With the Code of Canon law[2] we may call a jurisdiction "delegated" when it is merely lent to a person, and "ordinary" when it is affixed to an office. Ordinary jurisdiction is called "proper" when the office is exercised as by a second cause, and "vicarious" when exercised as by a mere transmitter in the name of another.[3][4]

The full and immediate power we have thus defined is held by bishops appointed to a diocese (residential bishops) in a *proper* way. The vicars and prefects apostolic, on the contrary, appointed to mission fields where as yet no hierarchy has been set up, hold it only, even when they are bishops (titular bishops, or *in partibus infidelium),* in a *vicarious* way. The residential bishops act in their own name as true second causes; the vicars and prefects apostolic act in the name of the Sovereign Pontiff as instruments and legates. Hence, while the vicarious jurisdiction of the vicars and apostolic prefects, which is of ecclesiastical law, can be made and unmade according to the will of the Sovereign Pontiff, the ordinary jurisdiction of residential bishops, which is of divine law, cannot be repealed. Christ who is "the shepherd and bishop of your souls" (i Pet. ii. 25) wished to give His sheep dispersed through the world something more than mere itinerant missionaries, legates simply transmitting instructions from afar; he wished to give them responsible rulers, who should prepare them suitable daily nourishment, live with their life, partake of their destiny both spiritual and temporal, and share all their sufferings and joy's. These are the true pastors of whom the Vatican Council speaks, whose jurisdiction carries on the permanent jurisdiction committed long ago to the Apostles by which each is to feed and rule the particular flock assigned him, "episcopi qui positi a Spiritu sancto in apostolorum locum successerunt, tanquam veri pastores, assignatos sibi greges singuli singulos pascunt ct regunt"? They arc bound too, either in one way or in another, to give their lives for their sheep.

4. *THE EPISCOPAL STATE OF ITS NATURE A STATE OF PERFECTION*

We may now understand what tradition means when it calls the episcopal state a state of perfection. According to St. John Chrysostom the episcopal life is more difficult, but also more perfect, than the monastic life; for all the purity which the monk preserves in the desert and which enables him to say with St. Paul: "I live, now not I, but Christ liveth in me" (Gal. ii. 20), must be brought by the bishop into the midst of the world, so that, with all his sheep behind him, he may stem the current of the world? St. Thomas

1 The Vatican Council declared that episcopal jurisdiction is *immediate* and *ordinary* (Denz. 1828).

2 Can. 197.

3 From a canonical standpoint we must further distinguish a *principal* vicarious jurisdiction, that, for example, which a bishop gives his parish priests; and an *instrumental* vicarious jurisdiction, such as the bishop gives his vicars-general.

4 Denz. 1828.

4 *Dr Sacerdotio,* lib. VI, 2 to 8; P.G. XLVIII, col. 679 ct seq.

takes up this noble doctrine. For him, the episcopal life demands perfection at least initial, for its end is to bring souls to perfection; religious life demands only the desire for perfection. "Perfection is a prerequisite for the episcopal state and that is why the Lord, before committing the pastoral charge to Peter, asked him whether he loved Him more than the others. It is not a prerequisite for the religious state, since this is meant to lead souls to perfection; wherefore the Saviour did not say: *If thou art perfect, go and sell all that thou hast,* but: *If thou mouldst be perfect . . .* The reason for this difference is, according to Dionysius, that whereas perfection belongs to the bishop in an active sense, and as in one who brings others to perfection, it belongs to the monk only in a passive sense, as in one who is to be made perfect. To lead others to perfection one must be perfect, but this is not needed in order to be led to perfection."[1] We recognize here the spirit of Christianity, calling upon man to be more than himself; the episcopal state of life is above the life of many of the bishops, the sacerdotal state of life is above the life of many of the priests, the Christian state of life is above the life of many of the baptized. It is only the saints who rise to the height of their vocation; and yet they suffer more acutely than any from their own unworthiness. As for the others, it remains for them to recognize their defects, to repudiate them unceasingly in their hearts and in their lives, and to throw themselves, when they come to die, on the infinite mercy of God.

5. *THE BISHOP RULER, PASTOR AND FOUNDATION OF HIS OWN PARTICULAR CHURCH IN CHRIST'S NAME ALONE*

The head of the Church is the bishop; the head of the Church is Christ. Some appear to be puzzled when we confess both these truths. They find them irreconcilable, as though we gave the word "head" the same meaning in both propositions. So they offer us the choice, the bishop *or* Christ. And when we declare for both they talk of a bicephalous or a polycephalous Church. Scripture, however, which says that Jesus Christ is the foundation (1 Cor. iii. 11), also says that the Church is founded on the Apostles (Eph. ii. 20); it says that Christ is the Shepherd (John x. 11), and the prince of shepherds (1 Pct. v. 4), and it also says that the elders are shepherds (1 Pet. v. 2). And did not Christ Himself say to the Apostles: "Whoso heareth you, heareth me" (Luke x. 16)? Where these people say "juxtaposition", all traditional Christianity along with the Scriptures says "subordination".

Consider, for example, the Epistles of St. Ignatius of Antioch. He writes to the Ephesians: "Every steward, sent by the master to govern his house, should be received as if he were the sender; wherefore the bishop should be regarded as the Lord Himself" (vi. 1). And to the Magnesians: "It is the very power of God the Father that you should reverence in your bishop. Such, I believe, is the conduct of your holy priests: they have not taken

[1] II-II, q. 185, a. i, ad 2; cf. 184, a. 7.

advantage of his apparent youth; but full of the wisdom of God they are subject to him; or rather not to him but to the Father of Jesus Christ, the universal Bishop" (iii. i). And to the Ephesians again the beautiful words so often cited: "You ought to have but one mind with your bishop, and so indeed you have. Your venerable presbyterium, truly worthy of God, is fitted to the bishop as the strings to a harp, and so from the perfect accord of your thoughts and your charity a chorus of praise goes up to Jesus Christ. Let each of you enter this choir; then in the harmony of your hearts the very note of God will sound in your unity, and you will all sing together with one voice, through Jesus Christ, the praises of the Father; who will hear you, and by your good works will recognize you as members of His Son. Thus it is profitable for you to keep unbroken unity; and so enjoy a never-failing union with God Himself" (iv).

All is not yet said on the jurisdiction of the bishops. For besides their episcopal jurisdiction which is *particular,* and held as *proper* to themselves, the bishops, taken together and as a college, have always since the earliest days of the Church, participated in the papal jurisdiction which is universal.

III. THE UNIVERSAL OR SOVEREIGN JURISDICTION

I. PROVIDENTIAL REASON FOR A SOVEREIGN JURISDICTION

A. Monarchical Government Meets the Need of Local Churches: Still More of the Universal Church

The whole jurisdictional order of a particular or local Church, explains St. Ignatius, derives from the bishop. At Antioch the bishop was Ignatius himself; at Smyrna, it was Polycarp; at Ephesus, Onesimus; at Magnesia, Damasus; at Tralles, Polybius. But these local Churches were not independent; they were parts of a whole, members of a body, portions of the universal Church, of the *Katholikè.* "Where the bishop appears, there let the people be; as wherever is Jesus Christ, there is the Catholic Church."[1]

By thus comparing the local community gathered round its bishop with the universal Church gathered round Christ, St. Ignatius shows that the unitary episcopate, precisely because it reflects the law that gathers the universal Church round Christ, the Prince of Pastors (i Pet. v. 4), is more deeply stamped on the ecclesiastical structure than the collegiate episcopate; that it, and it alone, answers to the need for a definitive jurisdictional organization. In point of fact the plural or collegiate episcopate, which might have answered special needs, very quickly disappeared and gave place to the

[1] St. Ignatius of /Kntioch, ***Epistle to the Church at Smyrna,*** VIII, 2. The term ***Catholic Church*** here appears for the first time in history, and it means the universal Church. Somewhat later, towards 155, it occurs three times in another document, ***The Martyrdom of St, Polycarp,*** with the same meaning; and once in the cognate sense of *orthodox* or *true* Church.

unitary' and monarchical form; and this change may be seen to have begun during the lifetime of St. Paul.[1]

But St. Ignatius indicates another truth at the same time. The local Church is not a whole, a collective person in the strict sense, a perfect society. It exists only as a member of the universal Church, which latter alone is strictly a whole, a collective person, a perfect supernatural society. The universal Church, the *katholikè,* that is the first object of the divine solicitude. This is what Jesus calls "my Church" (Matt. xvi. 18), the "one flock" (John x. 16), "my kingdom" (John xviii. 36) which is to cover all nations (Matt, xxviii. 20). It is a single people gathered up from Jews and Gentiles (Eph. ii. 14). Behind the seven particular Churches of Anatolia to whom his Apocalypse is addressed, St. John personifies the unity of her historical existence in the image of the Woman fighting against the Dragon. For she is indeed a Person, the Spouse of Christ (Eph. v. 23; Apoc. xxi. 2 and 9), His Body (Eph. i. 23). She alone has the promise of indefectibility (Matt, xvi. 18), and not the local Churches; for as to these, by reason of their laxity, their candlestick may be removed out of its place (Apoc. ii. 5).

Thus the local Church lives within the universal Church as a part within its whole, as a member in the body. In consequence a very' natural induction presents itself. If it is a structural law of each local Church, a law attested in the letters of St. Ignatius, and later in the *De Unitate Ecclesiae* of St. Cyprian,[1]

[1] Of Timothy and Titus Père Prat writes that their position resembles that of bishops, " differing only inasmuch as their authority is delegated *ad tempus* and revocable *ad nutum·,* but when they had to be replaced to fulfil another mission they were so by one person only—Artcmas or Tychicus in Crete (Titus iiL 12), and this same Tychicus at Ephesus (2 Tim. iv. 12)—so that the government of these Churches is almost monarchical in form " (F. Prat, *The Theology of St. Paul,* London 1942, vol. II, pp. 301-307).

[3] The critics are more and more in agreement in regarding not only as *authentic* but even as *primtux* the redaction of Chapter iv of the *De Unitale Ecclesiae* in which the author says that if Christ gave all the Apostles an equal power " He nevertheless established a single Chair ", that " the primacy was given to Peter '' and that one cannot think of oneself as belonging to the Church if one is separated from "the Chair of Peter on whom the Church is founded". This text moreover "does not contain a word, or turn of phrase, not characteristic of Cyprian's style, not a word, not a phrase, that is not to be found elsewhere in Cyprian " (Pierre Batiffol, *L'Église naissante et le catholicisme,* Paris 1911, p. 444)· For Cyprian, however, who only wished to establish one thing, namely that in one Church there was room for only one bishop, Peter seemed to be simply the bishop of a particular Church, and he did not give the texts concerning him their full significance. Othmar Perler writes similarly at the end of a study of the fourth chapter of the *De Unitate Ecclesiae:* " According to Cyprian it was not necessary, at least as far as regards the controverted question of the baptism of heretics, to be in agreement with the local Church of Rome in order to be in the Church of Christ. That is exactly the contrary of what Irenaeus had gathered from the idea of tradition " (*' Zur Datierung der beiden Fassungen des vierten Kapitcls 'De Unitate Ecclesiae',"* *Sonderabdruck aus der Rom. Quartalschrift,* vol. 44, nos. I–11. p. 42). In comparison even with St. Ignatius of Antioch, who saluted the Church of Rome as " the president of charity " (or " presiding over the charity St. Cyprian, who seems here to be under the influence of Tertullian, marks a recession. Batiffol expresses himself very clearly in *Cathedra Petri,* p. 11 : " The Anglicans rely on St. Cyprian in whom indeed they find some celebrated dedaradons of independence, as for example the objection made against any bishop whatever who should set up as *episcopus episcoporum.* Firmilian, Bishop of Caesarea of Cappadocia, echoes St. Cyprian . . . We shall not hesitate to say that St. Cyprian was under a delusion, and tliat the bishop whom he imagined as accountable to none save God, was a bishop who never existed . . ." As to St. Cyprian's attitude to Rome, Badffol opposes " not only Cyprian to Cyprian, but Cyprian to the concepdon which henceforth prevailed among historians of the part played by the Roman Church in the Catholicity of the second and third centuries".

that the supernatural unity of belief and action cannot be maintained save by the grouping of all the people around the bishop who, in all that concerns jurisdiction, manifests the authority of Christ and is, as it were, a continuation of His visible and corporeal presence—if this fundamental law is valid for the part, how should it not be valid for the whole? Obviously we must transpose it from the plane of the local Church to that of the universal Church; for the universal Church is no merely material juxtaposition but the organic assembly of all the local Churches: and a much vaster, richer, and more complex unity of belief and action can be maintained by the grouping of all around a single pastor; in all that concerns jurisdiction, he is a still higher manifestation of the authority of Christ than the bishop, and, as it were, a continuation of His visible and corporeal presence.[1]

B. The Reason for this Need: the Church, Founded Round a Single Visible Head, is to Retain this Essential Structure

The fundamental reason for having a single visible head is that the Church was from the first gathered together by the authority of a single visible Pastor, Christ. Thus she could retain her primitive structure after His bodily presence was withdrawn, only if He placed her under the authority of a single visible head, and gave him the assistance he would need to be the age-long foundation on which she would stand, the depositary of the jurisdictional power which would open her doors or close them, and the sovereign pastor who was to rule her. Here we penetrate to the roots of the whole Christian hierarchy. The law of the Incarnation is always valid; Christ continues to save us as He began, by bodily contact with His sanctity. But, after His ascension into heaven, where He lives under His own appearances, He could maintain a sensible corporeal contact with us only by means of appearances not His own. So, just as He continues to make contact with us by His substance, under the appearances of bread and wine, so He continues to make contact with us by His action, under the appearances of

1 ' Each bishop " writes Pope St. Leo, " has a special care for his own flock, and each will have to render an account of the sheep committed to him. But we, for our part, have a care in common with them all, and the ministry of each one of them is a part of ours *[neque cujusdam administratio non nostri laboris est portio].* And when, from all over the world, recourse is had to the seat of the Blessed Apostle Peter, and in our intervention is sought that love for the universal Church which the Lord laid upon him as a duty, we feel the weight of our charge to be so much the heavier as our debt to all is the greater" *{Sermo* K, cap. n; P.L. LIV, col. 153; cited by Batiffol in *Le siège apostolique* (359-451), Paris 1924, p. 427). The path here indicated is that followed by Moehler: " I was for long uncertain whether the primacy of one Church was one of the distinctive characters of the Catholic Church. I was even ready to say no . . . However, on looking more closely at St. Peter as he is presented in the Bible, or questioning the depths of history, on making a living penetration into the organism of the Church, I found myself constrained to admit this idea. This is how I managed to construct it historically . . . We have seen that the bishop is the central point of the diocese . . . We have found, too, the unity of all the bishops; but here we lack the central point, we do not yet see the expression of this unity in a living image. In the totality of the bishops we contemplate the unity of all the members of the Church. But wc still seek—for we know that the whole is of the same type as its parts—the personified reflection of this unity " *(Die Einheit in der Kirche,* pt. ii, ch. iv, §67, p. 250). But on this point Moehler does not see to the bottom of the matter. And he does not sufficiently realize that the Pope is the Vicar of Christ, not of the Church.

the hierarchy. To be more precise still, He continues to make contact by exercising among us His external and sensible authority as Prince of Pastors; no longer directly in Himself as once He did, but through the ministry of a vicar, of a supreme visible pastor sufficiently assisted by Him to be, in all that concerns the jurisdictional order, the embodiment of His authority and the continuation of His sensible and corporeal presence.[1]

C. The Witness of the New Testament to the Primacy

That is why Jesus, having come to the regions of Caesarea Philippi, said to that disciple who, speaking for the rest, had just confessed Him for the first time to be the Son of the living God,[2] that to him, to Simon son of John, an office would be entrusted; that he was to be the basis of the work that He would build in the world and would call *His* Church, not to be overthrown by all the powers of hell; that he should keep the keys that open and close here below the gates of the Kingdom of Heaven; that he should bind and loose consciences in the name of heaven: "And I say unto thee that thou art Peter and upon this rock I will build my church and the gates of hell shall not prevail against it. And I will give unto thee the keys of the kingdom of heaven, and whatsoever thou shalt bind upon earth shall be bound also in heaven, and whatsoever thou shalt loose on earth shall be loosed also in heaven" (Matt. xvi. 18–19).

That again is why, later on, having appeared to the disciples on the shores of the Lake of Tiberias, and having eaten with them a little bread and fish, Jesus, turning again to Peter, appointed him supreme pastor of His sheep and of His lambs: "When they had eaten Jesus saith to Simon Peter: Simon, son of John, lovest thou me more than these? He saith to him: Yea Lord, thou knowest that I love thee. He said to him: *Feed my lambs.* He saith to him again: Simon, son of John, lovest thou me? He saith to him: Yea, Lord, thou knowest that I love thee. He saith to him: *Feed my lambs.* He saith to him the third time: Simon, son of John, lovest thou me? Peter was grieved because he had said to him the third time, Lovest thou me? And he said to him: Lord, thou knowest all things: thou knowest that I love thee. He said to him: *Feed my sheep"* (John xxi. 15-17). We must either throw doubt on the Gospel or else admit that Peter is the foundation and supreme pastor of the universal Church for as long as it shall endure upon earth.[3]

What do we see on passing from the Gospels to the Acts of the Apostles, from the regime which preceded the Ascension to that which followed it? In the earlier regime, one Person only counts, one around whom the Church

1 See St. Thomas, IV *Centra Genies,* Ixxvi.

1 " Whereas they that were in the boat (Matt. xiv. 33) had simply taken Jesus for a supernatural being, Peter, adding the article and the qualification, Son of *the living* God, proclaimed as clearly as he could that Jesus was of divine origin, having the nature of the Infinite Being, who possesses life and can give it... Whence had Peter this knowledge? The answer is to be found in xi, 25 et seq., but it still needed a special grace to grasp it and proclaim it with so much energy' " (M.-J. Lagrange, *Écangile selon saint Matthieu,* 1923, p. 322).

1 See Excursus VII, on the Primacy of Peter.

is built up, the Person of Jesus. In the later, another appears at the Church's centre, he to whom the promises were made, the person of Peter. It is he and none other who rises up "in the midst of the brethren" to pass sentence on Judas in their name, and to prompt them to choose a successor (i. 15-22). It is he who explains to the Jews the meaning of the life and death of Jesus, and of the events of Pentecost (ii. 14-36). It is he who exhorts them to receive the gift of the Holy Spirit through repentance and Baptism (ii. 38-41). It is he, Peter, and not John, who heals the lame beggar at the gate of the Temple (iii. 6). He explains to the people how all the Messianic prophecies have been fulfilled in Jesus (iii. 24). He asserts before the Elders of Israel that apart from Christ there is no salvation (iv. 12). He discovers the double lie of Ananias and Sapphira (v. 1-11). His mere shadow heals the sick who lie in wait for him (v. 15-16). In the name of the Apostles he proclaims that God must be obeyed rather than men (v. 29). He deals with Simon the Magician (viii. 20-24). He is warned by the Lord in a vision that the time has come for him to open the doors of the Church to the Gentiles (x and xi). He takes up the defence of Paul and Barnabas against those who reproached them for relying on the grace of the Lord Jesus alone and not on circumcision (xv. 7-11). And if Paul, in order to convince the Galatians of the excellence of his gospel and the absolute confidence it deserves, boasts of having resisted Peter himself at Antioch, on account of conduct that seemed to defer to the judaizers (Gal. ii. 11-14), that is surely an indirect testimony to the prestige that surrounded Peter in the primitive Church. Peter's pre-eminence could have been recognized from the beginning only because it was founded on the Gospel promise.

D. The Three Ages of the World: the Age of Pentecost to be That of the Primacy of Peter

Jesus, who announced the pre-eminence of Peter, also foretold the coming of the Holy Spirit. The book of the Acts of the Apostles shows us the simultaneous fulfilment of these two promises. The age of the Holy Spirit, which is to be the last age of the world, will also be that of the primacy of Peter. Can we discover the reason for this economy? It has been remarked that we can divide the world's history into three great epochs according to the three divine Persons, provided that we recognize that the age of the Spirit began with the Apostles, whereas the heresies have postponed the great outpouring of the Spirit that Jesus promised till long after Pentecost. But if we distinguish three successive ages it is not therefore to be thought that the reign of the Father was to disappear before the reign of the Son began, nor that of the Son before that of the Spirit. How are we to reckon these three ages?

With some of the ancients we can say[1] that the age of the Father preceded

[1] Martin Grabmann, *Die Lehre des heiligen Thomas von Aquin von der Kirche als Colleswerk,* RaLisbon 1903, P· claims that we may cite here Rupert of Deutz.

the Fall. Then God governed His people without visible intermediary and the Church was not yet constituted.

The age of the Son began after the Fall and continued till the death of Jesus: God then decided to gather His people round a Mediator, and the Church, which is the Body of Christ, came to birth. But first of all the Mediator has to be hoped for, awaited: and so we have the long preparatory period of the age of the Son which wc have called the first regime of the Church.[1] Then the Mediator appeared: God governed His people through the human nature of Christ coming among us visibly to effect our redemption and to organize His Church. It was the epoch *par excellence* of the age of the Son. It was very short. It prepared the imminent coming of the Spirit.

The last age of the world is the age of the Spirit. God governs His people through the human nature of Christ, who has now entered into the spiritualizing light of glory,[5] and preserves contact with us through the hierarchy. This is the present regime of the Church. It is important to note that the second age came to add new benefits to the first: the providential action by which God had begun to sanctify the world did not grow weaker; on the contrary, it was intensified, when the Mediator appeared. And the third age in its turn will add new benefits to the second: "It is expedient for you that I go: for if I go not, the Paraclete will not come to you; but if I go, I will send him to you" (John xvi. 7)? The Holy Spirit is the supreme

[1] It could also be called the second epoch of the age of the Father, since the Son, whose influence then resembled that of a final cause, had not actually appeared: the Father had promised to send Him.

[5] cf. the "corpus spiritale" of i Cor. xv. 44.

[*] St. Augustine writes in his commentary on this text: "When Christ withdrew *corporeally* it was not simply the Spirit who became present, but along with the Spirit, the Father and the Son, their presence now *spiritual*. For how can we suppose that Christ, leaving the disciples, gave them the Spirit as His successor, not as His companion—He who had said: ***Behold I am with you all days even to the consummation of the world;*** and again: ***If ary man lore me he will keep my word, and my Father will lore him, and we will come to him and make our abode with him.*** He promised to send them the Spirit while remaining Himself eternally with them. If from being carnal and gross they had become spiritual, certainly they would be the more apt to receive the Father, the Son and the Spirit. In none of them could the Father be without the Son and the Spirit... for where is One there is the Trinity, the one God." By a marvellous enlargement of divine gifts descending progressively on mankind, the benefits of the age of the Father are magnified in the age of the Son, and these last also in the age of the Spirit: and the end of the whole design is, as the Greek Fathers saw, to bring back mankind by the Spirit to the Word, and from the Word to the Father. This was already Irenaeus' conception: "Those who are baptized receive the Spirit of God, who gives them to the Word, that is to the Son, and the Son takes them and offers them to the Father, and the Father gives them incorruptibility" *(Epideixis,* VII). The same thought may be found in Athanasius: "Since the Word is in the Father, and the Spirit comes from the Word, we should receive the Spirit, so that possessing the Spirit of the Word who is in the Father, wc too may then become one by the Spirit in the Word, and through Him in the Father" *(III Contra Arianos,* xxv; P.G. XXVI, col. 376). To explain the need for Christ's departure, Maldonatus is content to appeal to a providential decree: "God had decided that all three Persons of the Trinity should act for the salvation of men: the Father by sending the Son and drawing them towards Him; the Son by teaching, redeeming and saving them; and the Spirit by finally sanctifying them and filling them with various gifts. ELach of the Divine Persons thus has His epoch and His part to play. Hence, as long as Christ had not departed, had not in some sense quitted this earthly scene, the Spirit could not come." But why, asks Lagrange, "could not the glorified Son remain on earth and yet also give the Spirit? That is God's secret. We may however divine a certain antinomy between the sensible, localized presence

mystical personality of the Church; He continues to rule her in the third and last age of the world, through the heart and mind of this Christ whom God "has raised from the dead and set on his right hand in the heavenly places" to make Him Head over all the Church (Eph. i. 20, 22). The supreme unity of the Holy Spirit, as also the unity of the glorified Christ, both hidden from our eyes, must be externally expressed, so that their single voice may be audible to the senses of men. And they could not have chosen a simpler instrument, a clearer "sacrament" of their single and sovereign but invisible jurisdiction, than by investing with the supreme visible jurisdiction a single head who should gather all the Church around himself. Surely wc have here the reason why the Gospel, which announces the age of the Spirit, the last age of the world, tells of the pre-eminence of Peter and his successors. Wc have here also the reason why the Acts of the Apostles, which relates the inauguration of the age of the Spirit, relates also the inauguration of the primacy of Peter and his successors. In a word, the age of the Spirit does not suppress the law of salvation by corporeal contact with Christ, and what has once been given us is not to be withdrawn: "Behold I am with you all days to the consummation of the world." But, for immediate contact with the passible Body of Christ, it substitutes a mediate contact with His "spiritual Body", which is in heaven under its proper appearances and becomes accessible to us only under the veil of borrowed appearances.

E. The Pope's Power Derived Immediately from Christ; That of the Bishops, Through the Mediation of the Pope

The particular Churches are portions of the universal Church. They live only when they share the rhythm of the universal Church. When isolated or separated from her, their condition rapidly changes and they fall under an alien law. The regular pulse of life slows down, narcosis sets in, even decomposition. But the jurisdiction of their local bishops benefits them in that these Churches arc kept in close union with the supreme source of jurisdiction in the universal Church. The bishops exercise their jurisdiction in dependence on that of Peter.

Christ, as we have said, bestowed on the Apostles immediately, besides certain exceptional and temporary powers of which they were the *sole* depositaries, the regular and permanent powers of which they were the *first* depositaries. However, although it was conferred on them immediately

of His human nature, and the universal spiritual presence. Moreover it seems that, in this way, He would have had to make a complete change in the plan of salvation, which was to be effected through the exercise of faith. The incarnate Jesus left it full scope; but the glorified Jesus would have substituted an evidence. So He had to be taken from us; but the Spirit would continue His work invisibly, encouraging faith, and Himself an object of faith " (*Évangile selon saint Jean,* p. 418). It must be added that the glorified Christ found His natural place in heaven, and could not remain on earth without undergoing a kind of violence. On the other hand it is by His cross that Christians are to come to His glory; the Church has to be the Body of the passible, suffering and dying Christ before becoming the Body of the risen Christ; she has to lift up her eyes on the crucified King before they can be fixed on the glorified King.

by Christ, the regular jurisdiction proper to each of die Apostles, which they would hand on to their successors, did not belong to all of them in the same degree or by the same right. Not in the same degree, for in Peter it was sovereign and universal while in the others it was subordinated and particular. Not by the same right, for in Peter it dwelt as in a fountainhead, in the others as something derived. It w'as by a special favour, as we have seen, that Christ Himself bestowed on the Aposdes a jurisdictional power which, normally, was to reach them through Peter as intermediary.[1] The consequence of this doctrine is that as time went on the jurisdictional power would devolve differently on the Pope and on the other bishops. On the Pope it is bestowed immediately by Christ as soon as he is validly elected.[2] To the bishops it is given mediately, through the Pope: the Saviour, says Cajetan, sends down His power first on the head of the Church, and thence to the rest of the body.[3] When a Pope is created the electors merely designate the person, and it is Christ who then confers on him immediately his dignity and power. But, when the Sovereign Pontiff, either of himself or through others, invests bishops, the proper jurisdiction they receive does not come to them directly from God, it comes directly from the Sovereign Pontiff to whom Christ gives it in a plenary manner, and from whom it comes down to the bishops: somewhat after the manner of the life-pulse that begins in the heart and is transmitted thence to the other organs. And that is why the Sovereign Pontiff must not be conceived as merely *designating* bishops who then receive directly from Christ their proper and ordinary authority; but as himself *conferring* the episcopal authority, having first received it from Christ in an eminent form.[4]

The Encyclical *Satis Cognitum* of the 29th June 1896 confirms all this. Two passages are cited from St. Leo the Great on the eminent dignity of the Apostle Peter: "The divine condescension . . . if it willed that the other princes [of the Church] should have certain privileges in common with him, has never given save through him what it has not refused to the others

1 Cajetan, *De Comparatione Auctoritatis Papae et Concilii,* cap. iii, no. 53.

2 Even if the person elected were neither bishop nor priest he would receive at once7 directly from Christ, the power of jurisdiction over the whole Church. He would still have to receive the power of order by way of episcopal consecration, cf. John of St. Thomas, **II-II,** q. I to 7: disp. 2, a. i, no. 20; vol. VII, p. 223. The bishop consecrator would be the Dean of the College of Cardinals. See the Constitution *Vacante Sede Aposlolica,* of Pius X (25th Dec. 1904).

3 " Ita in caput primo, quod, per caput, in corpus reliquum, potestatem diffundit Salvator noster" (ibid., cap. vi, no. 78).

4 So also St. Thomas. In his commentary on the second book of the *Sentences* (dist. 44, expositio textus) he very clearly distinguishes two kinds of subordination. The first kind rules the relations of Church and State: each of these two powers is, in its own order, supreme and independent; but when things with which the State is ordinarily concerned begin to affect the salvation of souls they come within the field of competence of the Church. In the second species of subordination the inferior power draws all that it is from the superior; it acts under the superior like a second cause under the first cause: such is the subordination of created causes to the Uncreated Cause, of the proconsul to the Emperor, of the episcopate to the Papacy: " It is from the Pope that the degrees of the hierarchy of the Church proceed: and hence his power is, as St. Matthew indicates, the foundation of the Church." Older witnesses to this doctrine can easily be found: see for instance Mgr. Batitfol's exposition of the thought of Pope St. Leo in Zz *siège apostolique,* p. 425.

[nunquam nisi per ipsum dedit quidquid aliis non negavit]"[1] and "Although he received many things for himself alone, nothing was granted to any other without his participation [cuzn *multa solus acceperit, nihil in quemquam sine ipsius participatione transierit]*". Then Pope Leo XIII attaches to this principle the common doctrine according to which schism, in itself, deprives the bishops of all jurisdiction.[2] "Whence wc see clearly that the bishops would lose the right and the power to govern if they wilfully separated themselves from Peter or his successors."

However, to say that the bishops' jurisdiction comes down to them from the Sovereign Pontiff is not to say that it comes down to them by the mere will of the latter or in virtue of a free canonical provision. The power to bind and to loose committed to Peter alone, the supreme pastor of the Church, as in its source—"Whatsoever thou shalt bind on earth shall be bound also in heaven" (Matt. xvi. 19)—is, by a constitutional provision, to come down to the secondary pastors—"Whatsoever you shall bind on earth shall be bound also in heaven" (Matt, xviii. 18). The power of these last is doubtless derived, but they hold it by the express will of Christ. Their jurisdiction, although fully subordinated to that of the Sovereign Pontiff, belongs to them nevertheless by divine law, not merely by ecclesiastical law; in an ordinary and proper way, not in a delegated and vicarious way; as an indispensable degree of the hierarchy, not as an institution revocable by the Sovereign Pontiff. It is therefore impossible to imagine the Papacy without the episcopate; both institutions will endure as long as the Church endures, that is to say as long as the world endures.

F. The Profound Kinship of these Two Powers

Thus the jurisdiction of the Pope and the jurisdiction proper to the bishops are bound up with each other. They are simply two forms, the one supreme and extending over the universal Church, the other dependent and limited to a local Church, of one same power coming from Christ, ordered to the eternal salvation of souls, and, of its nature, spiritual. Interfere with one, and whether you want to or not you interfere with the other. Obviously, if with the Presbyterians you reject the jurisdictional power of the bishops, you reject also the jurisdictional power of the supreme bishop, of the Sovereign Pontiff. It is rather less evident perhaps, but none the less certain, that if you reject the supreme jurisdiction of the Pope, with the Anglican or Oriental Episcopalians, you attack the indivisible scheme laid down by Jesus, apparent in Scripture and stamped on the life of the primitive Church, by which the bishop in the local Church is as the Pope in the universal Church. But if it is true, as we have admitted, that the bishops

[1] P.L. LIV, col. 150. cf. below, p. 412, note 2.

[1] I say "in itself", for die Pope, in fact, grants certain jurisdictional powers to the dissidents: for example, the power to absolve in peril of death; or even, the right to the Graeco-Russian priests, to confer confirmation and administer penance validly, cf. above, p. 84, note 3; and below, P- 506.

receive their proper and ordinary jurisdiction from the Pope, it becomes possible to give its full significance to the truth announced by the Vatican Council when, having asserted the primacy of the Roman Pontiff, it adds: "Far from being an obstacle to the ordinary and immediate jurisdiction by which the bishops established by the Holy Spirit as successors of the Apostles feed and rule, as true pastors, the flocks respectively committed to them, the power of the Sovereign Pontiff recognizes, confirms and defends it, according to the words of Pope St. *Gregory* the Great to the Bishop of Alexandria: *My honour is the honour of the universal Church. My honour is the strength and prosperity of my brothers. Then am I truly honoured when the honour that belongs to each of them by right is not refused them."*[1]

G. The Particular Power of the Bishops Ruled, and Sometimes Limited, in its Exercise, by the Universal Power

The subordination of the jurisdictional power proper to bishops will explain the limitations that sometimes affect its exercise. It can, in fact, happen that what is needed for the general good of the Church as a whole, runs counter—up to a point, or for a certain time—to the immediate good of a local Church. Here again the universal outweighs the particular, the interest of the whole body that of one of the members, the glory of the Kingdom of God in the world, its glory in a diocese or province. Hence in certain circumstances the supreme spiritual power can partially restrain, in view of a greater good, not indeed the episcopal power itself, but its exercise. At the Council of Trent, for example, certain fully orthodox Bohemian bishops considered, that in their own dioceses they would be better able to contend with the Hussite heresy by re-establishing the custom of communion in both kinds for the laity; but the Council, having in view the needs of the whole

1 Denz. 1828. " If your holiness " continues St. Gregory, " recognizes me as *papa universalis,* he impugns his own proper episcopacy by supposing that I am universal. God forbid. Far be from us any words that inflate vanity and wound charity " (P.L. LXXVII, col. 933). This is not to be construed as an objection against the primacy of the Bishop of Rome. To suggest humility to the Bishop of Constantinople St. Gregory deems it good to refuse for himself a title usurped by the former; humility, however, did not present him from exercising a firm jurisdiction over the Churches of Christendom including that of Constantinople: " That it is subject to the Apostolic See," he writes, "no one can doubt [ὡ *ConstcniinapoUana Ecclesia . . . quis eam dubitet sedi apostolicae esse subjectim?]* " (loc. cit., coi. 957). " Also, when he learnt in May 599, that a certain number of oriental bishops had been convoked in Council at Constantinople ... he lost no time in writing to diem to warn them against any imprudence, and to remind them that without the assent of the Holy See, no decision touching the faith could have any force *[quamvis sine aposlolicae sedis auctoritate atque contrusu, nullus quaeque acta fuerint cires habeant]*** (loc. ciu, coi. 1005). cf. Mgr. Besson, Bishop of Lausanne, Geneva and Fribourg, *Saint Pierre et les origines de la primauté romaine,* Geneva 1929» p. 173. Since the title *Episcopus Universalis,* which had been assumed at Constantinople, seemed to him something invented in a spirit of pride and ambition, Gregory' declared that he would not accept it for himself or anyone else. But he never showed any hesitation concerning the evangelical origin of the authority which the See of Rome held from Peter, to whom was entrusted the care and the principate of the whole Church, " cura ei totius Ecclesiae et principatus committitur cf. Batiffol, *Saint Grégoire le Grand.* Paris 1928. pp. 204-10. Theology was to restore the expression " universal episcopate " precisely for the purpose of distinguishing the principate of the Bishop of Rome from the power of the other bishops.

Church, adopted a different opinion. Similarly, the Pope can for the general good reserve to himself the granting of certain dispensations, the infliction or removal of certain sanctions, or the exemption of certain religious orders from episcopal jurisdiction and so on. The tendency of this general overseeing will naturally vary with the times; sometimes making for greater centralization, sometimes for less. But the essential characters of the hierarchy can in no case be changed.

H. The Apostolicity of Jurisdiction

The infinite power of the Father sustains the power of Christ the eternal Pastor to whom all things have been committed in heaven and on earth; Christ's power sustains the power of Peter, the universal pastor of all the sheep; and this in its turn sustains on the visible plane, the power of the bishops, each the pastor of the particular flock committed to him. There we have the apostolicity of jurisdiction, a law announced in Scripture and stamped on the origins of Christianity. It is a law of hierarchy, of subordination.

Christ is the foundation, and none other can be laid (1 Cor. iii. ii), and Peter too, representing Christ, is the foundation on which the Church rests. Christ carries the Key of David, and none other can open or shut (Apoc. iii. 7), and Peter also has the keys that open and shut the Kingdom of Heaven. Christ is the Good *Shepherd* (John x), and Peter also is the shepherd of the same sheep and the same lambs.

The Pope is the head and ruler of the Church, but only on the visible plane, in the jurisdictional order, and in so far as he is assisted by Christ during the limited duration of his pontificate; on account of all these restrictions the Church cannot call herself the body of Peter, the body of the Pope.[1] The Son of Man, hidden in the glory of the Spirit, is Head and Ruler of the Church for all time, in an excellent and incomparable manner, bestowing on her not only truth, but also grace: hence the Church is truly His Body. And God Himself, in a still higher sense, is Head and Chief at once of Christ and of the Church: "The head of Christ is God" (1 Cor. xi. 3); and the Church is truly the Mystical Body of the divine Word.[3]

[1] "Ecclesiam non esse corpus Petri, sed Christi, verum est, quia Christus non solum caput mysticum ejus, sed mysticum suppositum ipsius est, ut patet ad Ephes, i. 22-23, dc Christo duo dicuntur: quod est caput Ecclesiae, et quod Ecclesia est corpus ejus" (Cajetan, *Apologia de Comparata Auctoritate Papae et Concilii,* cap. viii, no. 519).

[*] In reply to the charge that the Roman Church is bicephalous, it may be answered that this reproach would be still more surprising if it came from the Graeco-Russian or Anglican Churches, which, being episcopalian, could, in a similar way, be taxed with being polycephalous. Let us not see as opposed powers which the Scripture sees as superior and subordinate. We should recall tliat *in the transmission of grace,* Christ alone is Head of the Church. From the fact that it is the organ of the Divinity, His human nature is the source of all the graces that come into the world: here men never have any but a purely ministerial rôle. *In the external propounding of truth,* whether speculative or practical, Christ is the *Ruler* of the Church by His own *proper* power; the men who here play the part of second causes are rulers only in virtue of the power which He lends them; hence, while Christ is the Head of the Church in a plenary way, in all places, at all times, and in all her

THE CHURCH OF THE WORD INCARNATE

I. The Mystery of the Incarnation as Related to the Eucharist and the Primacy of Peter

To say that Peter, who was a man and could be only in one place at a time, was chosen for head of a Church which is divine and universal, seems to involve a union of contradictory attributes. But in Christianity, this saying is neither isolated nor strange. It has a familiar ring. It formulates a great mystery, but no new mystery; it is but a particular application of the astonishing mystery of which Christianity consists: God's wall to envelop divine things in weakness, and to enclose infinite things in space and time. He began by demanding faith in the revelation that the fullness of the Godhead dwelt in a true Man corporeally, and that the Creator of heaven and earth was bom on our planet as a baby. Reconsider for a moment those two verses of St. Luke (i. 26-27) in which, to announce the descent of eternity into time, immensity into space, and spiritual liberty into the constraints of matter, every kind of geographical and genealogical detail has been intentionally accumulated. Later on came other words declaring that His Flesh would be true meat and His Blood true drink: words uttered to unite, but seeming to some to be intolerable, and thus dividing. Lastly, as if to keep in step with all this, He proposed another mystery, inferior no doubt but analogous, and chose, wc will not say for His successor—that would be blasphemous—but for His Vicar, that is to say for authorized spokesman of His teaching and for depositary of an hitherto unexampled power, a frail man whose inadequacy He dragged to light, and whose denials He published in advance.[1] The Incarnation, the Eucharist, the primacy of Peter—these are the ordered manifestations, and as it were the successive levels, of one and the same revelation. There is a wisdom of the world that turns away

states (militant, suffering, and triumphant), men will be found at the head of the Church only in a derived and limited manner: of the Church militant (limitation to one state of existence), for the span of a pontificate (limitation in time), and in a particular diocese (limitation in space): cf. St. Thomas, III, q. 8, a. 6: " Whether to be head of the Church is proper to Christ? " To those who think in pictures and speak of the Church as bicephalous, St. Thomas replies: "In metaphorical speech we must not expect a likeness in everything; for thus there would not be a likeness, but identity. Now a natural head has not another head, because one human body is not part of another; but a metaphorical body—Le., an ordered multitude—is part of another multitude as the domestic multitude is part of the civil multitude; and hence a father, who is head of the domestic multitude, has a head above lum—Le., the civil governor. And hence there is no reason why God should not be the Head of Christ although Christ Himself is Head of the Church " (III, q. 8, a. i, ad 2).

[1] How deep the bonds are between the Incarnation and the primacy of Peter became apparent to Moehler, whose original views on the matter left much to be desired, through the study of the history of Athanasius and of the Church of his time: " Since the Pope, to whom Peter has passed on his dignity, is the head with whom all the members are organically bound up, all the movements of the local Churches would have to be in harmony with his ... It was in the nature of things that the Church, in fighting Arianism, set herself also instinctively against its separatist tendencies. By glorifying the invisible centre and Head of the Church, she exalted also her visible centre and head . . . Those who defended the dignity of the invisible Ruler attached themselves to the visible ruler and were in their turn defended by him. That is why the history' of Athanasius became so interesting a factor in the history of the primacy', and its results, in this respect also, reached far into the future " *(Athanasius der Grosse,* vol. II, pp. 73-4).

from it at once. But there is also a wisdom that begins by being Christian, which begins to believe in the Incarnation, and then soon, when faced with the mystery of the Eucharist, or the mystery of the primacy of Peter, becomes disconcerted and goes no farther. It seems to forget that God is God, that He passes through matter without being diminished, rather turning it to His purposes and transfiguring it. When it comes face to face with integral and authentic Christianity it is quite ready to abuse it as materialism and paganism. Sometimes, by an obvious blunder, it opposes to belief in the Eucharist the words of Jesus on "the flesh which profiteth nothing"; it opposes the Western Church as Peter's to the Eastern Church as John's, as if the Evangelist *par excellence* of the Word made flesh (John i. 14), of a new birth by water and the Spirit (iii. 5), of the communication of life by the eating of Jesus' Flesh (vi. 58) could have revealed to the world a Christianity that dispensed with the Incarnation, with sacramentality, and with the visible primacy.

2. *THE SUPREME JURISDICTION DOES NOT BELONG AS A "PROPER" POWER TO THE BISHOPS*

A. The Sum of Particular Jurisdictions Does Not Amount to the Universal Jurisdiction

The jurisdictional power is "proper" both in the Sovereign Pontiff and the bishops. It descends from the Sovereign Pontiff, who possesses it as its source, to the bishops, who possess it as a proper power no doubt, but derivatively.

At the stage of the sovereign pontificate as at the stage of the episcopate, the jurisdiction is wholly spiritual, wholly ordered to the same supernatural salvation of souls. So that whether it be found at the one stage or the other, it keeps its profound generic unity.

However, it appears in the bishops and in the Pontiff under forms that are clearly distinct. The jurisdiction proper to the Pope is universal. The jurisdiction proper to the bishops is particular. These two forms do not differ only in a quantitative way, according to more or less. They differ also in a qualitative way, in species. The universal Church is not simply a sum-total of particular Churches; and the jurisdictional order of the universal Church is not simply a sum-total of particular orders.[1]

If therefore each bishop, in virtue of his episcopate, possesses properly only a particular jurisdiction, it follows that the sum of the bishops possess, *in virtue of their episcopate alone,* only a sum of particular jurisdictions; which sum in no wise amounts to a universal jurisdiction. Supposing

[1] With reference to politics, St. Thomas affirms without self-contradiction, on the one hand, that the happiness of a man and that of society are the same and of the same nature, let us say of the same *genus {In Polit.,* lib. VII, lect. 2); and, on the other, that the common good of society and die particular good of each of its members do not differ only according to more or less but with a difference that is *specific* (II–II» q. 58, a. 7, ad 2). Cf. Marcel Demongeot, *Le meilleur régime politique selon saint Thomas,* Paris 1928, p. 89.

even, as Cajetan does, that after the death of a Pope all the bishops in the world meet and agree in a universal synod, there will then be a quantitative and cumulative jurisdictional universality; but, between that and the qualitative and essential universality of the supreme pastor there remains an abyss.1 No decision, for example, belonging to the proper power of the Pope could be taken, no truth implicitly revealed could be explicitly defined.' And the dissident Graeco-Russian Churches, whatever fragments of authentic jurisdiction the Church in fact allows them and they still retain,

1 If, notes Cajetan, you assemble the bishops simply as such, you get no *transcendent* jurisdiction which would be distinct from the partial jurisdictions as the sun is distinct from mixed bodies (the ancients, as we know, considered the virtues of the stars as causing and containing eminently the virtues of the mixed bodies); but merely a kind of *total* jurisdiction made up of an accumulation of partial jurisdictions, just as mankind is made up of the sum of all men: " Nec est aliqua *extranea* potestas a potestatibus partialibus, sed vclul potestas *totalis,* consurgens ex partialibus " *(Apologia de Comparata Auctoritate Papae et Caneilii,* cap. vi, 502). Cajetan had previously written: " The council, if abstraction be made of the Pope, can do no more than can the particular powers that compose it: it can establish no bishop, when the superiors to whom that office reverts are lacking. But the Pope can elect and establish bishops everywhere in virtue of his sole authority; which is not his but that of Him *who walks in the greatness of his strength"* (Isaias. Ixiii, t) (ibid., cap. xiii, 203). The same theologian goes so far as to say: "We are sure that neither the Pope, nor, on the other hand, the *entire* Church or the *entire* Council can err in matters of faith when they give an authoritative judgment in matters of faith. Of an *acephalous* Church or Council I know nothing: if the head is absent there may be many merits, but no longer any authority. It is because they fail to distinguish a *personal faith* from an *authoritatize judgment* that some are so ignorant as to prefer the doctors to the Pope; they think of the Pope's person, not of his office and the divine assistance promised this office" (ibid., cap. ix, 135).

1 It is even provided in the Constitution *Vacante Sede Apasiolica,* which forms an appendix to the Code of Canon Law, that if the Pope dies during the sitting of a general council, the council is to be suspended at once: it is not for the council but for the College of Cardinals to elect the new Pope. That docs not mean, however, that every* exercise of jurisdiction is abolished. The decisions of previous Pontifis, notably those that fix the conditions of the valid election of a new Pope, remain in force. If the Roman Congregations lose the powers which they cannot exercise without express reference to the Sovereign Pontiff, they keep those which they possess by Letters Apostolic, and which are regarded as belonging properly to themselves. Similarly, the jurisdictional power of the Cardinal Vicar of Rome and those of the legates, nuncios and apostolic delegates, continue without interruption.

The power of naming or instituting bishops belongs to the Roman Pontiff *(Cod. fur. Can.,* 329, §2, and 332, §1). But, remarks Cajetan in his *De Romani Pontificis Institutione* (cap. xiii, ad 6), we have to distinguish between the power of the Sovereign Pontiff *(auctoritas)* and the exercise of this power *(cxecutio),* which has varied in mode down the centuries. Thus the ancient ecclesiastical discipline left to the Patriarchs of Alexandria or of Antioch the right to elect the bishops of their provinces. The elections of bishops effected during a vacancy of the Holy See and regarded as valid, arc thus to be explained. On the various ways of proceeding to the election of bishops see E. Roland, art. " lection des Evêques ", *Diet, de thiol, calh.,* col. 2256 et seq. From the second to the sixth century the election of bishops was effected by the clergy with the assent of the people. " No one,l' says St. Leo the Great, " can be held to be a bishop who has not been elected by the clergy nor asked for by the people" (ibid., col. 2259). The Bishop of Rome did not directly intervene in the election; he was content to see it carried out properly. Discreet, and indirect, his intervention was nevertheless real and undeniable. It was, as it were, a prolongation of his primacy (ibid., col. 2261). The Gregorian reform attempted to take the right of election out of the hands of the princes, into which it had fallen, and to restore it to its old condition (ibid., col. 2268). It was in the thirteenth century* that the Pope tended to become the supreme arbiter of Catholic elections. A new law was substituted for the old: direct nomination by the Sovereign Pontiff became the common law. The various methods actually in use, which allowed some part in the choice of bishops to others than the Pope, were local concessions, exceptions to the common law (ibid., cols. 2269-71).

seem to admit, in their own way, the justice of this doctrine by officially condemning themselves to dogmatic stagnation.

B. The Church During λ Vacancy of the Holy See

We must not think of the Church, when the Pope is dead, as possessing the papal power *in act,* in a state of diffusion, so that she herself can delegate it to the next Pope in whom it will be re-condensed and made definite. When the Pope dies the Church is widowed, and, in respect of the visible universal jurisdiction, she is truly acephalous.[1] But she is not acephalous as are the schismatic Churches, nor like a body on the way to decomposition. Christ directs her from heaven. There is no one left then on earth who can visibly exercise the supreme spiritual jurisdiction in His name, and, in consequence, any new manifestations of the general life of the Church are prevented. But, though slowed down, the pulse of life has not left the Church; she possesses the power of the Papacy *in potency,* in the sense that Christ, who has willed her always to depend on a visible pastor, has given her power to designate the man to whom He will Himself commit the keys of the Kingdom of Heaven, as once He committed them to Peter.[2]

3. THE SUPREME JURISDICTION NEVERTHELESS "PARTICIPATED" BY THE BISHOPS ASSOCIATED WITH THE SOVEREIGN PONTIFF AND FORMING THE EPISCOPAL COLLEGE

A. The Collegiate Jurisdiction of the Bishops United With the Pope

I have mentioned the *proper* jurisdiction of the bishops. It is distinct from the jurisdiction of the Supreme Pastor. The first is ordered to the good of a particular Church, the second to the good of the universal Church. And we know that the good of a whole and the good of a part differ qualitatively as to species, and not merely quantitatively according to more or less. However, the jurisdiction proper to the bishops derives from the jurisdiction of the Sovereign Pontiff. It is contained in the supreme jurisdiction as the lesser perfection is contained in the greater. It can therefore add nothing to

[1] During a vacancy of the Apostolic See, say's Cajetan, the universal Church is in an imperfect state; she is like an amputated body, not an integral body. " The Church is acephalous, deprived of her highest part and power. Whoever contests that falls into the error of John Hus—who denied the need of a visible ruler for the Church—condemned in advance by St. Thomas, then by Martin V at the Council of Constance. And to say that the Church in this state holds her power immediately from Christ and that the General Council represents her, is to err intolerably " *(De Comparatione* etc,, cap. vi, 74). Here are the seventh and twenty-seventh propositions of John Hus condemned at the Council of Constance: ** Peter neither is nor ever was the head of the Huly Catholic Church " ; " There is nothing whatever to show that the spiritual order demands a head who shall continue to live and endure with the Church Militant " (Denz, 633 and 653).

[2] See Excursus VI, on the election of the Pope.

it intensively; it can do no more than diffuse and refract its virtue. The power proper to the bishops and the power of the Sovereign Pontiff are indeed many powers, but they do not together make up a *higher* power: "Papa cum residuo Ecclesiae non est majoris potestatis jurisdictionis spiritualis quam ipse solus . . . Papa cum Ecclesia reliqua non facit *majus* in potestate, sed *plures* potestates", writes Cajetan.[1] In another field we should say similarly that the creation of the universe adds nothing to the divine perfection, that it does no more than refract it; so that after creation there is no more "being", more perfection, than there was before, although there are more "beings", more existing subjects.

But, besides this particular jurisdiction which they possess as *properly* theirs, the bishops, taken as a college, in virtue of their close union with the Sovereign Pontiff, participate in the universal jurisdiction proper to the Pontiff. And just as we distinguish, in the case, for instance, of a harp, the beauty of the sound it gives out at the touch of the strings, from the spiritual beauty lent it by the mind of the artist; or, in the case of a human arm, its mechanical from its intelligent activity; or in the case of Socrates' disciples or Napoleon's marshals, their own personal qualities from the added powers they gain from the genius of their master; so we must distinguish in the bishops the power of particular jurisdiction which finds in each of them its proper subject, from the power of universal jurisdiction which finds in them a supplementary subject. I have said that the particular jurisdiction of the bishops is distinct from the universal jurisdiction of the Pope; it is superadded to it, not so as to make up more power, "majus in potestate", but many powers, "plures potestates". On the other hand, the collegiate jurisdiction of the bishops is not numerically added to the universal jurisdiction, but is one with it.

In other words, the power to rule the universal Church resides first of all in the Sovereign Pontiff, then in the episcopal college united with the Pontiff; and it can be exercised either singly by the Sovereign Pontiff, or jointly by the Pontiff and the episcopal college: the power of the Sovereign Pontiff singly and that of the Sovereign Pontiff united with the episcopal college constituting not two powers adequately distinct, but one sole supreme power—considered on the one hand in the head of the Church teaching, in whom it resides in its wholeness and as in its source, and on the other hand as at once in the head and in the body of the Church teaching, to which it is communicated and in which it finds its plenary and integral subject.[2]

[1] *De Comparatione Auctoritatis Papae et Concilii,* cap. vi, nos. 75 and 78.

[2] Writing about 445, St. Leo says that the Saviour willed that the office of proclaiming the truth "should come in such wise to all the Apostles, that first it would be deposited in blessed Peter, the chief of them; and He wills that from Peter as from the head, His gifts should be distributed over the whole body so that he who should dare to break away from the company of Peter must understand that he no longer has any part in the divine mystery" *(Epistola* X; P.L. L1V. 629). This text covers two points: (1) the *particular* jurisdiction *proper* to the bishops comes to them from Christ through the Sovereign Pontiff (thus the best theologians); (2) the *universal* jurisdiction, *communicated* to the bishops, comes to them from Christ through the Sovereign Pontiff (thus all theologians who do not wish to pul the council above the Pope), cf. above, p. 403.

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B. The Scriptural Basis

The great words in which Jesus laid upon His disciples the duty of preaching the Gospel to every creature were too pregnant with meaning to communicate all of it from the outset, and time alone could bring out distinctly the multiple powers they conferred. Apart from the transapostolic power promised to Peter personally, they assured the Apostles of: (1) the extraordinary powers of founding the Church; (2) the ordinary and transmissible powers of ruling her (λ) by collegiate participation in the universal jurisdiction of the Sovereign Pontiff (6) by exercising a particular jurisdiction over the local Churches, as these appear in the Acts of the Apostles, the Epistles and the Apocalypse.

The second power, the regular, permanent, collegiate power to rule the universal Church, is not solely, but certainly comprised in Jesus' promise to all the Apostles: "Whatsoever you shall bind upon earth shall be bound also in heaven, and whatsoever you shall loose upon earth shall be loosed also in heaven" (Matt.xviii. 18). These words had previously been addressed to Peter (Matt. xvi. 19). They were addressed now to the whole apostolic college. What does that mean if not that the apostolic college was to share in Peter's power, that it was to share with Peter the supreme jurisdiction over the universal Church, and that this supreme jurisdiction was to be given first to Peter and to his successors, so as to devolve next on the Apostles and on their successors?[1]

The same thing emerges from Luke xxii. 31-32: "Simon, Simon, behold Satan hath desired to have you that he may sift you as wheat. But I have prayed for thee that thy faith fail not: and thou, being once converted, confirm thy brethren." Perseverance in the faith was therefore to find its principle in Peter and thence to be communicated to the others. And so it was to be down the ages.[2]

Lastly, the Acts of the Apostles show us the whole of the apostolic college at work, and solemnly assembled in the first Council. For the sake of the universal Church they have to fix the discipline governing the reception of converts from paganism. The decision is taken not by Peter alone, but simultaneously by all: "For it hath seemed good to the Holy Ghost and to us . . ." (Acts xv. 28). These are the words of the Apostles and the presbyters.

1 To speak thus to His disciples was not, notes Pcrc Lagrange, " to revoke the power given to Peter as to the chief steward of His house; it was rather to associate them with him who had the keys The power in question is committed " to those to whom Jesus speaks ", and no longer to each of the faithful as in the preceding verses (15-17). " It is therefore committed to disciples already invested with great powers on their earlier mission (x. 5-16), and destined by that very fact to be the dispensers of the authority committed in the first place to Peter " *{Évangile selon saint Matthieu,* pp. 353 and 356).

2 Père Lagrange writes: " Jesus prayed for all the Apostles (John xvii. 9); if He prayed especially for Peter it was not simply because his faith was more in peril, but because it was important for the salvation of the others. The Vatican Council cites this text to establish the pontifical infallibility. And, indeed, if the Apostles for whom Jesus had prayed needed to be strengthened in the faith by Peter, the successors of the Apostles would stand in the same relation to the successors of Peter, since the latter was to be the foundation stone of the Church for ever " *{Évangile selon saint Luc,* PP· 553-4)·

Thus, the episcopate *taken alone*—for example during a vacancy of the Holy See, even though all its members are assembled and all arc unanimous—and on the other hand this same episcopate *in actual union* with the Sovereign Pontiff to share in the government of the universal Church, represent two specifically distinct forms of the jurisdictional power. In the first the bishops perform only acts of particular jurisdiction. In the second they exercise, conjointly with the Pope, the acts of the supreme jurisdiction. They are not, as Melchior Cano remarks, mere theologian-consultors.[1] They have authority to decide. They declare the speculative truth to be believed and the practical truth to be observed by the whole Church.

The episcopate—the orthodox and legitimate episcopate of course—has made frequent pronouncements in the past on questions concerning the life of the universal Church; on many occasions, for example, it has defined the faith and imposed a uniform discipline. The episcopate owed its oecumenical prestige throughout history', not to its own proper power but to the virtue of the Sec of Peter, whose authority, either tacit or express, never ceased to sustain it, lift it above itself, enlarge it and enlighten it. This consideration, whose scriptural basis we have seen, provides the key to the misconception into which those have fallen who, neglecting the distinction between what the episcopate has of itself and what it has from the See of Peter, have thought it possible to set up an opposition between the power of the See of Peter and the power of oecumenical Councils.

C. The Episcopal College Dispersed Through the World: its Distinctive Signs

The oecumenical activity of the episcopate in union with the actually reigning Pope, can have (the difference is merely accidental) a double character: *regular* when the bishops remain dispersed over the world, each in his own Church; and *exceptional,* when the bishops are assembled in Council.

The bishops scattered over the world rule their local Churches. They do more. Because they are closely united to the Supreme Pastor and act with his tacit or expressed consent, they contribute to the preserving and explaining of the deposit of revealed truth all over the world, to the maintaining and formulating of the rules of the common discipline, and, in a word, to the ruling of even the universal Church. If, for example, there is question of the declaratory power, the episcopal body, in so far as accordant with the Sovereign Pontiff, becomes an organ by which the ordinary and daily teaching of the Church can be given to the world with true and absolute infallibility. The divine and Catholic faith, according to the Vatican

[1] " Episcopos concilii, in fidei causa, non modo *consiliarias* esse, verum etiam *judices.* Alioqui non solum episcopi ad ferendam sententiam synodalcm adhiberentur, sed etiam docti theologi et viri in Ecclesia prudentes . . . Cum igitur, Ecclesiae perpetuo usu, soli pastores in concilio sedeant, consequens fit, *censores* eos esse, non modo *consultores" (De Locis Theol.*9 lib. V', cap. v, quaesu 2). Cano refers to the passages of St. Matthew and the Acts which I have cited.

Council, embraces all truths contained in the word of God, whether written or traditional, and proposed to our faith by the Church as divinely revealed, whether by way of a solemn judgment or by the *ordinary and universal magisterium?* and Pius IX adds precisely that the exercise of the ordinary magisterium may be found in dispersion all over the earth: "Divine faith is not to be restricted to matters expressly defined by oecumenical Councils, or the Roman Pontiffs, or the Apostolic See: but extends also to matters set forth as divinely revealed by the *ordinary magisterium of the whole Church dispersed throughout the world".*2 If now there is question of the canonical power, the episcopal body, inasmuch as it is united to the Sovereign Pontiff, will lay down in each epoch and each civilization, both doctrinal points arising in connection with the revealed deposit, and authentic moral and social duties; and it will establish customary usage.

But by what signs arc wc to recognize the true episcopal body?

The answer belongs to the treatise *De Locis Theologicis.* The most important sign is communion with the Sovereign Pontiff—since Peter was made perpetual head of the apostolic college.

Will a majority of bishops be a sufficient assurance? It is clear in any case that the majority *as such* is far from being a criterion of truth: "Scimus frequenter usuvenire ut major pars vincat meliorem, scimus non ea semper esse optima quae placent pluribus", says Cano.3 Even in the case of a majority of bishops, good theologians think that they can go astray, contradict the Sovereign Pontiff, and even persevere in error. Thus Cano, and also Benedict XIV: "From the fact that the bishops assembled in General Council are true judges, it is not to be concluded that the Roman Pontiff is bound to decide in conformity with the majority of the judges and to approve their doctrine. For, as Melchior Cano remarks, if all the bishops are true judges, the Lord Christ has nevertheless committed the final judgment to His Vicar on earth and it is he who is charged with the duty of recalling all who waver, whether few or many, to the true faith: *I have prayed for thee that thy faith fail not, and thou, being converted, confirm*—not just

' "Sivc solemni judicio, sive ordinario et universali magisterio " (Denz. 1792).

2 " Ordinario totius Ecclesiae per orbem dispersae magisterio " (Denz. 1683). Vacant considers that the infallible organ of the ordinary magisterium may be not only the Pope united to the universal episcopate, but also the Pope alone. According to this theologian, besides solemn pontifical judgments, such as the definition of the Immaculate Conception, which represents the extraordinary magisterium of the Pope, there can be other pontifical acts which do not verify all the exterior conditions characterizing solemn definitions but which can nevertheless sufficiently express the Pope's will to put out a definitive and absolute sentence—in other words to speak *ex cathedra,* with infallibility, cf. Vacant, *Le magistère ordinaire de ГÉglise el ses organes,* 1887, pp. 98 et scq. It is certain that the Pope acting alone can exercise his magisterium otherwise than by solemn definitions. But we cannot attribute an absolute and proper infallibility to the magisterium save by express will of the Pope, clearly manifested: the question is, precisely, whether we arc not then really face to face with a solemn definition. In every other case the magisterium of the Pope alone will be guaranteed either by his infallibility, proper no doubt, but merely prudential, which governs decisions of general interest; or by the fallible assistance—infallible only in the improper sense—which governs particular decisions and measures of the biological order. See below, p. 439, n. 1.

3 *De Locis Theologicis,* lib. V, cap. v, quacst. 2.

this one and then that, but whether a minority or a majority—*confirm thy brethren.* The four hundred prophets of Achab did not prevail against the single prophet Michcas; so also the Arian Council of Rimini did not prevail against Vincent of Capua and those few bishops who remained faithful to the Bishop of Rome."[1] Clearly enough, in the canon of orthodoxy of St. Vincent of Lerins, "In the Catholic Church herself we must be careful to hold what has been believed everywhere, always and by all", the last clause, *quod ab omnibus,* must be understood only of those who make up the flock of Christ under the guardianship of Peter. It remains that, since the Church of Christ is always to endure, and since there is no Church of Christ without an episcopal body, it is absurd to imagine that the Pope can stand alone over against the bishops. Certain theologians even consider that Christ's promise to the episcopal body "Behold I am with you all days even to the consummation of the world", imply that the *majority* of this body will never desert the Sovereign Pontiff: "It is impossible that a *majority* of the bishops haring jurisdiction in the Church, that is to say of the Catholic bishops, should teach anything which the Sovereign Pontiff does not teach either expressly or at least tacitly. It cannot therefore fall into error and break with the Holy See."[2] As for the future, we may recognize that if this eventuality does not appear "impossible" it seems at any rate highly unlikely.

The day-to-day relations of the episcopal body dispersed through the world with its head the Sovereign Pontiff, arc now facilitated by the development of the means of communication; our modern techniques, like the old Roman roads, being no less serviceable for the expansion of the Kingdom of God than for that of the powers of evil.

However, the unity of the teaching Church is most effectively asserted when, exceptional circumstances demanding it, the episcopal body assembles in Council; above all in General or Oecumenical Council.[3]

D. The Episcopal College Assembled in Council

The law ruling the relations between the Sovereign Pontiff and the bishops, between the head and the members, is the same that will rule the proceedings of the Oecumenical Council. The rightful authority for calling them to council is the Sovereign Pontiff. Supposing the Council's inception to be irregular, it would not become a valid Council until authorised by the Sovereign Pontiff, whether expressly, or at any rate tacitly. Its decisions will not be decisive unless issued in actual collaboration with the Sovereign Pontiff, or unless ultimately ratified by him.

[1] *Dt Synodo Diocesana,* lib. XIII, cap. ii, 3.

[2] Vacant, *Le magistère ordinaire de l'Église et ses organes,* p. 94.

[3] By "Provincial Councils" arc to be understood those which gather together the bishops of a province under their metropolitan. They have great authority as to matters of faith, in themselves and to begin with; if they are confirmed by the Sovereign Pontiff, their authority is absolute and in this respect they may be classified with General or Oecumenical Councils; cf. Melchior Cano, *De Locis Theol.,* lib. V, cap. iii and iv.

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It follows that between the ordinary jurisdiction of a dispersed magisterium and the solemn jurisdiction of an Oecumenical Council, there are but accidental differences. But they are worth noting.

The first new element, where a Council is concerned, is a more solemn supplication to draw down on the Church a superabundant outpouring of the divine wisdom. Jesus Himself spoke of the virtue of collective prayer: "Again I say to you, that if two of you shall consent upon earth concerning anything whatsoever they shall ask, it shall be done to them by my Father who is in heaven. For where there are two or three gathered together in my name, there am I in the midst of them" (Matt, xviii. ig-20).1 That is addressed to all Christians, not the faithful alone but also their pastors. It is there to sustain them on their journey towards the truth and to welcome them in the truth at each halting-place.

Next, we shall find a better and more sustained effort to prepare and arrange the speculative and practical statements to be defined. The Church here docs not act as a pure instrument but as a responsible second cause entrusted with initiatives, and she can, in consequence, propose matters for infallible sanctions that vary in extension, complexity and subtlety. It would, for example, have been difficult for the Sovereign Pontiff to prepare by his own sole efforts such an organic whole of propositions, such a considerable body of doctrine, as that which was submitted for infallible definition at the Council of Trent.

1 This utterance, cited in the letter convoking the Vatican Council *(Acta el Decreta Concilii l a/icani, Coll. Lacensis,* vol. VII, col. 4), takes on new meaning when applied not simply to the faithful but to the representatives of the hierarchy. Studying the significance of the common consent of the faithful, not in itself, but as a factor in the development of dogma, Marin-Sola insists on its varying weight—according as only some of the faithful, or, on the other hand, the whole Church are involved—and on its distinction from the magisterium: " In so far as this intuitive ' sense of the faith ' is found only in some here and there—even were they saints—or only in certain parts of the Church, its theological weight is very slight. As soon as it becomes general and the common patrimony of bishops, theologians and faithful, it constitutes of itself, and prior to any definition, an argument as strong as the most evident theological reasoning. So that either of these two things—that is, evident *reasoning,* or the assured and universal *consensus* of the Christian society as to the inclusion of a doctrine in the revealed deposit—is, in the eyes of the Church, a sufficient criterion of its definability. However, we must carefully distinguish this *sense of the faith* from the Church's ordinary *magisterium* . . . The magisterium, or dogmatic definition by the Church, is no mere piece of mechanism for registering, or a focal centre for gathering up, the social consciousness of the Christian community, according to the heretical assertions of modernism (Denz. 2006); it is, above all, an explicit or implicit source of all subsequent adhesion; it is the *control* and *rule* of any prior consent of the Christian people, whether this consent was due to theological reasoning or to experimental apprehension of the faith " *(L'évolution homogène du dogme catholique,* 1924, vol. I, p. 368: my italics). When he wrote *Die Einheit in der Kirche,* Moehlcr unhappily overlooked these distinctions. But he understood that only a close participation in the communion of the Church will enable us really to come into touch with Christ. It was, he says, immediately after the period in which the unity of the Church was asserted with the greatest vigour " that the divinity of Christ was recognized in the most formal manner, and this at the Council of Nicaea, where, for the first time, all Christians were visibly brought together in the persons of the representatives of their love. *Then it was that they became capable of recognizing Christ in all His greatness.* They had become great themselves. Let us always be great and free: let us for ever love unity and keep it in the bonds of peace. *Then the true greatness of Christ will no more escape us,* for our eyes are pure and able to contemplate Him in all His purity " *(Die Einheit in der Kirche,* pt. ii, ch. iii, §63, p. 247).

There is, thirdly, a more evident and impressive collaboration when the final resolutions have to be promulgated and an unanimous and simultaneous profession of faith made by the whole teaching body of the Church. Their example is eminently calculated to win the whole-hearted adhesion of the faithful. And it is, finally, the pledge of a more speedy promulgation, a more even and exact application of measures taken for the higher welfare of the Church and the world.

Abundant fruits, said the Vatican Council, flow from Oecumenical Councils: "There it is that the sacred dogmas of religion are defined with die greatest depth, expressed wath the greatest breadth, that ecclesiastical discipline is restored and more firmly established . . . that head and members are knit together and the vigour of the whole Mystical Body of Christ renewed . . . that our zeal is nourished to extend, even were it widi our blood, the reign of Christ over all the earth."[1] More than fourteen centuries earlier, in 451, the Fathers of the Council of Chalcedon had written to Pope St. Leo the Great: "You have come to us, you have been the interpreter for all of us of the voice of the Blessed Peter, and have procured for all of us the blessing of his faith. And so, having profited from you as from our head in good things, we have been able to manifest the heritage of the truth to the children of the Church, not each elaborating a doctrine for himself in secret, but making confession of faith in one Spirit, in one impulsion, in one thought. And we formed a single choir, making our delights, as at a royal banquet, of the spiritual food which Christ, by your letters, had prepared for His guests. And we seemed to see the heavenly Spouse dwelling in our midst: *for where two or three are gathered together in His name, there,* He says, *is He in the midst oj them.* How close then He must have been to the five hundred and twenty bishops who preferred the knowledge and confession of the faith of Christ to the quiet of their homes, and whom you, through those who took your place [the two legates of the Pope to Chalcedon] led with benignancy as the head leads his members. As for the faithful princes, they presided for the sake of decorum *ad ornatum,* προ ευκοσ/uai·], like Zorobabcl beside Joshua [1 Esdras, iii. 2], and desirous, in his footsteps, to build up the dogmatic edifice of the Church like another Jerusalem."[2]

E. Its Members Mandatories of Christ, Not of the Peoples

Whether assembled in council or dispersed through the world the bishops hold their supreme and oecumenical jurisdiction from the Sovereign Pontiff. In either case they arc subject to the same ordinance. They do not come to the council to inject any law' of numbers, of proportional representation, of majorities, into the government of the Church. Whether they arc primates, archbishops or simple bishops, whether they hold the smallest or the largest dioceses, they sit in council with complete parity of rights. They are not

1 At the opening of the Constitution ***Dei Filias, Acta el Decreta Concilii Vaticani, Coll. Lac.,*** vol. VII col 248.

' ***Epistola XCVIII,*** cap. 1; P.L. L1V, col. 952.

mandatories of populations. They arc Christ's bishops, Catholic bishops. If there are many Christian countries in Asia or in America, and consequently many Asiatic or American bishops at an Oecumenical Council, it may happen—but merely accidentally—that disproportionate attention is given to the ecclesiastical affairs of Asia or America. What is certain in any case is that these questions will be settled, not by the help of a temporal light but by that of a divine light. It is not impossible for the law of numbers to play its part in drawing up the list of problems to be considered, and thus to intervene in the order of material causality. That, too, will be merely indirectly, and without pow'er to prevail even in this sphere; for true bishops will always be Catholic before being of such and such a culture or colour, and the Sovereign Pontiff will well know how to recognize the general interests of the Church. But the law of numbers, though it may affect the list of problems, will never dictate the answer to these problems; it will never come into play in the order of formal causality'.

Neither will prince or emperor give the law. They may receive all the honours. But you cannot judge the spirit of a true Oecumenical Council by the importance of the honours voted to the potentate who made it possible, or even perhaps convoked it or presided. I do not think anyone would maintain that the Fathers of Nicaea, the Roman See, or the Church herself, were *spiritually* governed by Constantine; or that if the Emperor had chosen to turn Arian the Council and the whole Church would have followed suit.[1]

F. The Church of the Oecumenical Councils

The great orthodox Councils appear on the stage of history as confronting errors in faith and deviations in morals with the most striking reminders, the most solemn proclamations that the Church could make of the imprescriptible exigencies of the Gospel. They were not indispensable for the purpose of dissipating heresies. "Was a Council required," writes St. Augustine, "to condemn the manifest error of the Pelagians? As if no heresy had ever been condemned without resort to a Council! Very few indeed, on the contrary, are the heresies in which recourse to such a thing was needed, whereas those which were condemned on the very spot where they appeared and notified at once to all the world as noxious, are incomparably more numerous. But Pelagian pride which exalts itself so haughtily against God that it would glory no longer in God but in its own free-will, is ambitious into

[1] On the attitude of die Church to Constantine sec P. Batiffol, *La paix constantinienne et le catholicisme,* Paris 1914, p. 525: " The prince, as Pontifex Maximus, had been the guardian of the gods and the grand master of the official priesthood. Catholicism left him only the rôle of donor and protector, and proposed to maintain its inner economy whole and entire. Constantine accepted this conception of the relations of Church and State; and die fact of his acceptance is the decisive proof of his conversion. It was the great victory of Catholicism at the moment of the peace of Constantine, that it did not throw itself into the arms of the Christian prince; that it exacted from him, on die contrary, the independence of the ccclesiasdcal domain within the public domain, and accepted nothing from him but his services." When the Slate, having officially abdicated its religious competence, illegitimately sought to resume it, it always eventually came into conflict with the Church.

the bargain to assemble East and West in council."[1] However, at certain moments when all was in doubt and confusion was spreading everywhere_ even perhaps, as in the Arian conflict, in the hearts of the bishops themselves—the Church felt the need for gathering her forces and counting her children: "When they judged it useful, especially in times of grave perturbations and calamities for our holy religion and for civil society, the Roman Pontiffs," says Pius IX, "have not neglected to convoke General Councils and to confer with the bishops of the whole Catholic world, whom *the Hob Spirit has chosen to rule the Church of God,* to concentrate energies, to decide prudently and wisely on all that can help to define the dogmas of the faith, to unmask new errors, to defend, illustrate and develop Catholic doctrine, to preserve and tighten the bonds of ecclesiastical discipline, to strengthen the relaxed moral· of peoples."[2] It was the East that took the initiative in assembling General Councils[3] but the practice spread over the whole Church. The Church of the Roman Pontiffs is still to-day, as in the past, the Church of the holy Oecumenical Council·.*

4. THE SUPREME JURISDICTION, IN ITS INTEGRAL WHOLENESS, LODGED "FIRST" IN THE POPE ALONE

A. The Pope Vicar of Christ, Not of the Church

Our Lord said: "Simon, son of John, feed *my* sheep.' He did not say: feed *your* sheep. They were always to be Christ's. They are not to change masters. "I am the good Shepherd," He says again, "and I know my sheep

[1] *Centra Duos Epistolas Pelagianarum,* lib. IV, conclusion.

[1] Letter convoking the Vatican Council, *Acta et Decreta Concilii Vaticani,* vol. VII, col. 2.

[3] Was this on account of the communal genius of the Orient, or simply because most of the heresies arose in that region?

[4] To the Encyclical *Praeclara* (20th June 1891) in which Leo XIII appealed to the orientals, the Patriarch Anthimus of Constantinople replied by a counter-encyclical, making repeated use of the following formula: " *The Church of the Steen Oecumenical Councils, One, Holy, Catholic, and Apostolic, belieces and professes that,* etc.... *The Papist Church on the contrary,* etc." " Consider first this formula," says Mgr. Duchesne. "We are blamed for having added a word to the Creed (the *Filioque)*; but now we may observe a fifth note added to the four by which the Creed defines the true Church. The Church is not only One. Holy, Catholic and Apostolic: it is also the Church of the Seven Councils. Why this qualification? Is there anywhere in the Gospel or the Apocalypse anything to suggest that the future Church could or ought to qualify herself thus? Did the seventh Oecumenical Council shut the door behind it, prohibiting any other similar assembly? Not in the least! Is it suggested that the Roman Church docs not recognize the seven Councils, or that the Greek Church has any special rights in them? This perhaps is the moment to borrow a phrase or two from St. Paul: *They are Israelites; so am I; They are the seed of Abraham: so am I. They are ministers of Christ: I am more.* These Councils are ours as much as theirs; indeed, more than theirs. I know that they were held in the East, and were procured by Eastern Emperors. But they represent, for the most part, the triumph of Roman orthodoxy over oriental heresy, or, to speak more charitably, a remedy brought by the Latin Church to her Greek sister infected with some kind of doctrinal malaise. Let us reckon them up . . . The upshot of all this is, that if there is one place in the world that can lay claim to these Seven Oecumenical Councils, that place is Rome; and that if there is one place in the world in which they must call up sombre memories, that place is the Patriarchate of Constantinople. Count up the Patriarchs whose memory' was condemned in these CounHl^ or who showed themselves as open opponents of their decisions . . . Nineteen heretical Patriarchs, and that within a space of only five hundred years; and I have reckoned only the most notable of these. The

and my sheep know me . . . The shepherd calls his own sheep by name and leads them out" (John x). It is therefore Christ's sheep, not his own, that Simon Peter is to feed. It is in Christ's name, not his own, that he is to lead them out. That is the point to be recalled when one hears it said that Peter is the Vicar ofJesus Christ; since a vicarious power, as we all know, is a power exercised in the name of another.

Peter is the Vicar of Christ; not of the Church or of Christians. Jurisdiction docs not come up from the Church to him, but comes down from him to the Church. Christ gives it directly and immediately to him, not first to the Church that she may hand it over to him.[1] And furthermore, He gave it him prior to any choice of a constitution by the Church.

B. The Sole Regime of Divine Right

Certain theologians at the end of the Middle Ages, who wanted to put the Council above the Pope, contended that under the natural law every perfect society can choose, control and depose its own head. That is true of civil society, and, they went on to say, it should be true of the religious society, since it is a perfect society and since grace does not destroy nature but rather confirms it.[2]

They reason rightly of civil society. This latter arises neither out of an optional contract like a sports club or an art society'; nor from a simple act of nature like a community of bees or ants. Neither artificialism nor physicism is valid here. It comes from a consensus of wills in conformity with the fundamental inclinations of human nature. Just as a profound inclination prompts men to marriage, although the domestic society ordered to the transmission of life is founded freely, so, all due proportions being observed, a profound inclination prompts men to live in society, although the political society ordered to the development of humanity, to the perfecting of the properly human values, material and moral, and, in a word, to the common good, is nevertheless freely constituted. The political community is willed in the last resort by God: first because He wishes the full development of the higher human values and of this "common good" which is "more divine" than that of each particular individual; and next because He urges men towards this common good by an inner impulse preceding all deliberation, an impulse which it will be for them to bring freely to fruition. But if the political community is willed by God, its management and conduct is left to human freedom. And God, who chooses the social form of life for man, makes no pronouncement in favour of any particular form of social

list would bo a good deal longer if wc included all the Patriarchs who could be blamed for hesitations and dubious conduct, like those concerned with Popes Liberius, Vigilius, Honorius" (*Églises séparées,* 1896, pp. 59 et scq.).

[1] The Vatican Council denounces as contrary to tradition and Scripture the error of those who pretend that " the primacy of jurisdiction was given immediately and directly, not to Peter but to the Church, and by her to Peter her minister" (Denz., 1822).

[1] This is the objection made by Jacques Almain and the University of Paris against Cajetan. He deals with it in his *Apologia de Comparata Auctoritate Papae et Concilii,* cap. 1.

life, for any particular political regime. The community, to be sure, must needs adopt a monarchical, or aristocratic or democratic or some other kind of regime; but there is no divine law that favours one rather titan another; it remains free to choose its own fundamental constitution and even to change it when evident social necessity demands—for example when, the *ancien régime* being destroyed, the new one was sufficiently consolidated to be irreversible without grave disorders. If therefore, on the one hand, God Himself is the Author of society, and if, on the other, He leaves it the right to choose its own constitution and, on due occasion, to modify it, then it is true to say (i) that the "prince", die government, is the vicegerent or representative of the multitude *[gent deem, gent personam multitudinis),*[1] (2) that he holds his authority from God without doubt, but indirecdy, and thanks to the multitude which could have chosen, and could still on due occasion choose, another regime, and (3) that if the political community is of natural, that is to say of divine law, the various forms it can take—royal, aristocratic, republican—are due (even in the case of the Hebrew people) to none but human law, the *jus gentium,* the law of nations.

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But if civil society chooses its own constitution and thereby decides the condition of its head, the Church is in a different position. "To understand her regime," says Cajetan, "you have only to look at her beginnings. She did not emerge from any collectivity or community whatever. She was formed around Jesus Christ her Head, her Ruler, from whom all her life, perfection and power came to her. *l'ou have not chosen me,* He said, *but I have chosen you.* Thus from the birth of the Church her constitution clearly appears. Authority does not reside in the community; it never passes, as in the civil order, from the community to one or to several heads. By its very nature, and from the very' outset, it resides in a single recognizable prince. Since this prince is the Lord Jesus, who is to live and to reign yesterday, to-day, and for ever, it results that in natural right it was for Him and not for the ecclesiastical community to choose for Himself a vicar, whose rôle it would not be to represent the ecclesiastical community, born to obey not to command; but to represent a Prince, the natural Lord of this community. That, then, was what Our Lord Himself deigned to do when, having risen, before ascending to heaven, He chose, as St. John tells us, the Apostle Peter alone for His Vicar. And just as in natural right the Prince of the Church does not draw His authority from the Church, so neither does His Vicar, who depends upon Him and not upon the Church."[2] We conclude: (1) that the Pope is the Vicar of Christ, not of the Church; (2) that he holds his authority directly from God, the Church's election merely going to designate a successor for Peter; (3) that of all existing governments the Papacy is the sole government by divine right, the only one which is sovereign in the strict sense?

[1] See below: Excursus X.

[2] *Apologia de Comparata Auctoritate Papae et Concilii,* cap. i, nos. 450-452.

[1] To call the Church's government " democratic " is certainly wrong. Can it be called " monarchical "? Yes; but with precautions. The monarch, in politics, is always the vicar of the multitude,

PERMANENT JURISDICTION: FOURTH DIVISION

C. The Pope's Jurisdiction Pastoral—That is to Say, Plenary, Immediate—and Ordinary or Proper

The jurisdiction of the Pope is truly pastoral, truly episcopal; *vere episcopalis est.*[1] It is, in the universal Church, what the jurisdiction of the bishop is in a local Church: plenary', immediate, proper or ordinary.

a. First, it is *plenary.* Christ asks the Pope to feed all the sheep of His fold, to keep them in peace and protect them, to gather them together and rule them throughout the universe, and to lead them into the ways of truth both absolute and prudential, both speculative and practical. And for those of Christ's sheep who are not of the sheepfold, Christ would have them enter it so that there may be one flock and one shepherd (John x. 16) ; He died, as Caiaphas prophesied "for the nation, and not only for the nation but to gather together in one the children of God that were dispersed" (xi. 51-52).

The plenary jurisdiction of the bishops, taken simply as bishops, is restricted to a particular Church; it is exercised in dependence on that of the Pope; and it even derives from that of the Pope. But the plenary jurisdiction of the Vicar of Christ extends in act to the universal Church and in potency to the whole universe, *omni creaturae}* it is exercised in dependence on Christ alone and the Spirit; and it derives uniquely from Christ and from the Spirit. It is therefore plenary in a much larger sense.

The whole jurisdictional power is found first in the Pope alone. From him it passes over to the bishops. So that if the Pope in his own person, in his own inner life "quoad personam et merita" is certainly a *part* of the universal Church, yet the power ofjurisdiction deposited in him is *not* a part added to other parts so as to constitute the Church's total jurisdiction. The power of the Pope is the whole power of the universal Church; the others are its participations, and designed to support it.[2]

And yet, continues Cajetan, all this power is given to the Pope for no other end than the service of the Church. She is greater than he, not in authority, but in worth and nobility. The Papacy is for the Church, not the Church

but the Pope is never the Vicar of the Church. Again, to what kind of monarchy shall we liken the Church? Not to an absolute one, where one alone is head and all the rest arc only his agents: nor yet to a mixed or limited monarchy, in which the supreme power is only partially in the monarch. It was rather to the constitution that Moses gave the Hebrews that St. Thomas would compare this regime (cf. I–II, q. 105, a. i). We must think, says Billot *{De Ecclesia,* 1921, p. 513), of a *pure* monarchy in which the monarch governs independently, but has beneath him, so as to avoid the inconveniences of centralization, not mere delegates but true rulers, vassals; and in which, let us add, both monarch and vassals might be drawn from the people. With these reserves, and setting aside its political associations, we may adopt the word monarchy. It figures in a letter which Pius X addressed to the oriental archbishops to condemn those who held " that the Catholic Church in the first centuries was not the principale of one sole man, that is to say a *monarchy,* or that the primacy of the Roman Church rests on no valid ground " (Denz. 3035).

[1] Vatican Council Denz. 1827. cf. Cajetan: " Non minus est papa episcopus Ecclesiae catholicae quam quilibet episcopus suae Ecclesiae " *{De Comparatione Auctoritatis Papae et Concilii,* cap. vii, 88).

[2] Cajetan, *De Comparatione Auctoritatis Papae et Concilii,* cap. ix, no. 137.

for the Papacy: the end is always a nobler thing than the means. Hence the Pope calls himself the "Servant of the servants of God", and, so doing, he stands in the truth, "et sic est in veritate".[1]

b. The spiritual jurisdiction of the Pope is, furthermore, *immediate.* It is exercised on the whole body of the Church, and yet it can be exercised immediately over each one of the faithful, and is not bound to go through any intermediary whatsoever. In the thirteenth century, William of St. Amour and Siger of Brabant maintained that a bishop, in various important matters, has to go through his parish priests to reach his lay subjects, over whom he has therefore only a mediate jurisdiction; and similarly later on it was asserted that the Pope has to go through the bishops to reach the faithful, over whom again he has only mediate jurisdiction. But just as the virtue of the first cause is participated by the second causes without losing any of its privileges, so the jurisdiction of the Sovereign Pontiff is participated by the bishops without itself being in any way alienated or diminished; and Peter, who received the power to feed all the sheep of Christ without distinction, retains the right to feed each one of them directly.

c. Finally, the Pope's spiritual jurisdiction is *ordinary* and belongs to him in a *proper* way. It is not a "delegated" jurisdiction, that is to say one attached to a particular person for the time being, but an "ordinary" jurisdiction, that is, permanently attached to an office.

Ordinary'jurisdiction is called "proper" in one who exercises an office in his own name; and "vicarious" in one who docs so in the name of another. What is to be said of the jurisdiction of the Pope?

If we compare the Pope, visible on earth, with Christ, hidden in heaven, the Pope's power is, in divine law, "vicarious"; for he exercises it in the name of Christ. But if we ask where, in this world, the supreme spiritual jurisdiction resides, the answer will be, to complete the previous reply, that it resides, by "proper" title, first and in itself in the Pope alone; and then secondarily and by participation, in the episcopal college united to the Pope as body to head: and that it can reside "vicariously", but only in a partial measure as determined by Canon Law, in other subjects, such as the Roman Congregations.

The spiritual power of the Pope is undoubtedly unique and unparalleled. But it becomes unintelligible only when we cease to look at it in the light of the Christian mystery. I have said that if it be true that the fullness of the Godhead could dwell, as from a determinate moment of history, in a human nature like our own, it is no new mystery, but only an extension of the old one, which presents us with the Body and Blood of Jesus under the appearances of a little bread and wine, and with His external power to teach faith and morals behind the voice of a Galilean fisherman, a man from the ordinary' run of men.

[1] *Apologia ω Comparata Auctoritate Papae d Concilii,* cap. viii, no. 517.

D. The Sole Remedy for a Bad Pope: a Text of Cajetan's on Prayer

The Church has no power to change the form of her government, nor to control the destiny of him who, once validly elected, is no vicar of hers but Vicar of Christ. Consequently she has no power to punish or depose her head. She is born to obey. This truth may seem hard, but the best theologians have never attenuated it; rather, they have accentuated it. To make us aware of all that we ought to be ready to suffer for the Church, of how much heroism she can ask of us, they have proposed extreme cases. They have supposed a Pope who shall scandalise the Church by the gravest sins; they have supposed him to be incorrigible; and then they ask whether the Church can depose him. Their answer is, no. For no one on earth can touch the Pope.

In his *Summa de Ecclesia* (lib. II, cap. cvi) Cardinal Turrecremata pointed out several remedies for such a calamity: respectful admonitions, direct resistance to bad acts, and so forth. All these could, of course, prove useless.

There remains a supreme resource, never useless, terrible sometimes as death, as secret as love. This is prayer, the resource of the saints. "See that I do not have to complain of you to Jesus crucified," wrote Catherine of Siena to Pope Gregory XI; "there is none other to whom I can appeal, since you have no superiors on earth." And again, a little earlier in the same letter: "Take care, as you value your life, that you commit no negligence."

To the bad theologians who thought that the Church would be defenceless if not allowed to depose a vicious Pope, Cardinal Cajetan, who had seen the reign of Alexander VI, had but one answer: he reminded them of the power of prayer. For never has it such power as in such crises. We must always have recourse to prayer, as one of the purest weapons a Christian can use. But here it is not only a "common" means, i.e. one to be used along with others, it is the "proper" means, the proper instrument for the use of the Church in distress. "If you tell me that prayer is but a *common* remedy to be used against all the ills that afflict us, and that for the special evil that troubles us here we need a *proper* remedy—since every effect comes of a proper cause, not merely from general causes—I reply, in a general way, that the highest causes, although they play the part of common causes in respect of lower effects, play in fact the part of proper causes in respect of higher effects. And that is why prayer, which is to be put among the highest of supernatural second causes, is only a *common* cause of lower effects; but it is a *proper* cause and the *proper* remedy for the highest effects, such as would be—since it is matter reserved for God—the removal from this world of a still believing but incorrigible Pope."[1] The same author sufficiently indicates the sort of prayer to be offered when he reproaches his contemporaries for their manner of reciting the Divine Office and of celebrating Mass.

[1] ***De Comparatione Auctoritatis Papae et Concilii,*** cap. xxvii, no. 422.

Here he shows both the clarity of his genius and the charity of his heart. "The divine Wisdom," he says, "who in the natural order governs lower things through the higher and these last through the highest second causes, acts in a similar way in the supernatural order, to which belong grace and faith, and the Church based on the faith. On the other hand, causes are proportionate to their effects, the highest causes having the highest effects. If then, on the one hand, the means available to human effort *[providentia humana],* even if super-elevated by the authority of the Church, arc a force inferior to prayer, appointed as the highest of second causes by God, to whom all creatures, corporeal or spiritual, are subject; and if, on the other hand, a remedy against a bad but still believing Pope[1] is among the highest effects in the Church, it follows that God, in His wisdom, must have given the Church for remedy against a bad Pope, not now any of these merely human means which may avail for the rest of the Church, but prayer alone. And can the prayer of the Church, when she perseveringly asks things needful for her salvation, be any less efficacious than merely human means? Is not the fervent prayer of an individual soul who asks such things for himself, already efficacious and infallible?[2] If then the salvation of the Church demands that such and such a Pope should be removed, then undoubtedly the prayer we have mentioned will remove him. And if it be not necessary, why question the goodness of the Lord, who refuses what we wish and gives us what we ought to prefer? . . . But alas, it seems that we are come to the days announced by the Son of Man when He asked whether, on His return, He should find faith on the earth. For the promises relating to the highest and most efficacious of second causes are held to be of nothing worth. They say that we must depose a bad Pope by human means; that one cannot be content with resort to prayer and to divine providence alone! But why do they say that, *if not because they prefer human means to the efficacy of prayer,* because the animal man does not perceive the things of God, *because they have learnt to trust in man, not in the Lord, and to put their hope in the flesh?* So, if a Pope hardened in evil ways appears, his subordinates, without leaving their own vices, content themselves with daily murmurings against the evil regime; they do not seek to avail themselves, save perhaps in a dream and without faith, of the remedy of prayer; so that what Scripture predicts comes about by their fault, namely that it is due to the sins of the people that a hypocrite reigns over them, holy in respect of his office, but a devil at heart . . . We have become blind to the point of refusing to pray as we ought, while yet desiring the fruit of prayer; of refusing to sow, while still wanting to reap. Let us not call ourselves Christians any longer! Or if wc do, let us turn to Christ; and the Pope, were he frantic, furious, tyrannical, a render, dilapidator and corrupter of the Church, would be overcome. But if we do not know how to overcome ourselves, what right have we to complain of being

[1] Great theologians have admitted that the Pope could personally fall into the sin of heresy. Sec Excursus IX.

[1] St. Thomas, III *Ccn.* xcv and xcvi.

unable to break through the evils that surround us by prayers that not only fail to rise through our roofs, but do not even mount as far as our heads? And the worst of all is this: God of old upbraided His people for honouring Him with their lips while their hearts were far from Him; but in the days of the revelation of grace, God is not even honoured with lips, for nothing is less intelligible than the recitation of the divine office, nothing said more quickly than the Mass; the time given to these seems long, too long, but time enough is found for play, business and worldly pleasures, and for loitering over them endlessly."[1]

Thus, even though lais private life should be grievously sinful, the Pope cannot be deposed. Immense scandal might be given, but his doctrinal infallibility would be unaffected. And it remains true that no temptation is superhuman. God, who is faithful, will suffer none who seeks Him to be tempted beyond his strength, and to each He offers inwardly the help that will enable him to overcome (cf. i Cor. x. 13).

5. *PETER'S SUCCESSOR THE BISHOP OF ROME*

On this subject I shall first set out an intermediate thesis which seems to me to be preferable. Then I shall mention two divergent and extreme positions, both represented by theologians of repute.

A. The Link Between the Roman and the Universal Episcopate: Manifestation of the Apostolic Succession

If it be expressly revealed that the Church is to be visibly based on Peter and his successors till the end of time, it is *ipsofacto* revealed that the line of Peter's successors will be recognizable till the end of time; and it is also implicitly revealed that Peter, by an exceptional privilege which he held till his death, could determine the conditions that would make the line of his succession recognizable. Whence arises a twofold question: what steps did he take to make it so; and how are we to know, with complete certainty, the significance of these steps?

I. What did Peter do to point out the line of his successors in advance?

He fixed his See at Rome, thus setting up a permanent bond between the pastoral power over the Church of Rome, and the pastoral power over the universal Church; so that those who should succeed him as Bishops of Rome would succeed him in the supreme apostolic authority. In other words, that Peter indissolubly wedded the Roman episcopate and the supreme apostolic authority appears in the light of a *dogmatic fact.* We believe it not only in virtue of a human certitude based on historical documents, but we believe it with divine faith. And if wc are asked how it is contained in the revealed deposit wc reply that it is a concrete determination of the Gospel

[1] ***De Comparatione Auctoritatis Papae et Concilii,*** cap. xxvii, nos. 417-20,

revelation that the Church is to rest till the end of time on the visible and recognizable line of the successors of Peter.[1]

2. But how arc wc to know that Peter, when linking up the Roman and the universal episcopates, really willed the bond to be necessary and indissoluble?

The only enlightenment which we have to show us the real nature of it is that which Christ provides as He aids the magisterium of His Church. If it be asked whether this link is one of fact only—destined to be broken one day—or one of right, the second alternative is (it seems to me) better authorized, more in conformity with the declarations of the magisterium, and thus should be retained—with certain precisions which I shall indicate.

The Church's divine certitude that the Bishop of Rome is her universal Pastor has left numerous traces all down the Christian ages—in the measure indeed in which chance allows the survival of the documents of the past, but clearly enough for historians to grasp. Later on it received repeated solemn expression, for example in the Bull *Unam Sanctam* (1302): It is necessary for salvation for every human creature to be subject to the Roman Pontiff; at the Council of Florence (1439): The Roman Pontiff is the successor of Blessed Peter, Prince of the Apostles, he is the head of the whole Church, the Father and Teacher of all Christians; at the Vatican Council:[2] By the will of Christ, and therefore by divine law, the Blessed Peter, to whom was committed the primacy of jurisdiction over the universal Church, will always have a successor; the Roman Pontiff is this successor.[3]

[1] That the supreme apostolic authority was annexed to the Roman episcopate is, as John of St. Thomas explains, a truth of faith based on Tradition and contained implicitly in Scripture; for in *explicitly* giving the supreme power to Peter and his true successors Christ *implicitly* ratified in advance the act by which Peter determined where the line of his true successors would be found, namely the act that annexed the supreme apostolic power to the See of Rome (cf. **II–II**, qq. 1-7, disp. I, a. 4, no. 15, vol. VII, p. 205). The same author here touches on the question, whether this conjoining, *which is a fact which rte belirzc by divine faith,* is the result of an explicit willing on the part of Christ (in which case it would be indissoluble by *divine right)* or whether it was left to Peter to decide (in which case it would be alterable and *of ecclesiastical lend).* He chooses the second alternative. I prefer the first.

[2] Denz., 469: Denz., 694: Denz., 1825.

[3] The conjunction of the universal episcopate with the Roman is, in the last analysis, a dogmatic fact believed with *divine faith,* and it is in this light that it must be presented here. However, in other and less vital respects it can belong to apologetics and history.

a. It can be defended by the methods of apologetics. Anyone who accepts the scriptural texts concerning Peter may be referred, for example, to the words of Soloviev: " Christ's words could not remain without their effect in Christian history*; and the principal phenomenon in Christian history must have an adequate cause in the word of God. Where then have Christ's words to Peter produced a corresponding effect except in the Chair of Peter? Where does that Chair find an adequate cause except in the promise made to Peter? " This argument would retain all its apologetic value, as Soloviev saw clearly, even were it impossible to prove that Peter went to Rome—even were it historically established that he never went there. We should then only have to suppose that Peter intended to leave his authority with the Bishop of Rome. " We might even admit—against the tradition of the Church both in the East and in the West—that St. Peter never went personally to Rome, and yet at the same time, from the religious point of view, maintain a spiritual and mystical transmission of his sovereign authority to the Bishops of the Eternal City. The history of early Christianity supplies us with a striking instance of an analogous relationship. St. Paul had no natural link whatever with Jesus Christ; he was not a witness of Our Lord's life on earth nor did he receive his commission in any visible or public fashion; nevertheless he is recognized by all Christians as one of the greatest Apostles. His apostolate was a public ministry in the Church, and

B. This Link not Foreseen: Effected by Absorption: Apparently Indissoluble in Right

If the fact of the conjunction of the universal pastorate with that of Rome is dogmatic, and to be held with divine faith, the explanation of the fact raises several questions. 'With what kind of necessity was the conjunction effected by Peter? What is its intimate nature? To what extent will it be permanent? The answers of the theologians to these three questions will enable us to see clearly what is meant by saying that the Church of Christ is Roman.

1. Supposing that Peter had lived, as he did at the outset, without fixing his Chair, his See, in any local Church: then his successor, in the same way, would not necessarily have had a Chair in any particular Church. Suppose that he had died at Antioch after having (as Origen, Eusebius, St. Jerome and St. John Chrysostom report) set up his Chair there: then his successor would have been Bishop of Antioch and the Church of Christ would have been Antiochene. Suppose once more that after transferring his Chair from r\ntioch to Rome he had taken it away from Rome to fix it elsewhere—that he had ceased, I do not say to have his *residence* at Rome, but his *Chair,* that is to say the episcopal See to which he would attach the sovereign pontificate: then his successor would have been Bishop elsewhere, at Alexandria, say, or Jerusalem, and the Church of Christ would have been Alexandrine or Jerusalemite.[1] If wc look at the metaphysical possibilities alone, the supreme jurisdiction might either have been unattached to any particular See or might have been attached to some See other than that of Rome. The union effected by Peter was therefore due to no metaphysical necessity but to an unforeseeable decree of Providence.

2. In point of fact Peter united the universal episcopate to the Roman. How is the union to be conceived?

The episcopate of the universal Church and the episcopate of the local Church at Rome must not be imagined as two powers which, although coexisting in the same subject, would yet be actually distinct. For the local episcopate of Rome is absorbed into that of the universal Church somewhat

yet its origin, in his relation to Jesus Christ, is a mystical and miraculous fact. Similarly . . . the mighty spirit of St. Peter, guided by his Master's almighty will, might well seek to perpetuate the centre of ecclesiastical unity by taking up his abode in the centre of political unity already formed by Providence, and thus making the Bishop of Rome the heir to his primacy" *{Russia and the Universal Church,* pp. 108 and 123).

b. Let us hasten to add that history is far from denying the soj'ourn of St. Peter in Rome. It establishes, on the contrary*, that Peter came to Rome, that he set up lus See there, that this See, precisely because it was Peter's, had an exceptional authority over the whole of Christendom from the earliest days. This thesis has been demonstrated, as fully as need be, by Mgr. Duchesne, first in his *Leçons d'histoire ecclésiastique* 2nd. cd., ch. vii, p. 69; and then in his book *Les Églises séparées*9 ch. iv., p. 113. It is accepted by the best contemporary Protestant historians—Hans Lietzmann, Oscar Cullmann, and others.

1 " Si Petrus discessisset ex Roma non tantum *loco* sed *stde,* ita quod alibi sedem elegisset, non successisset romanus pontifex Petro " (Cajetan, *De Romani Pontificis Institutione,* cap. xiii).

as the king's capital town is into his kingdom; so that the Pope has but one episcopate. This episcopate is exercised simultaneously, on the one hand over the universal Church in which it is the *generator* of all the other particular and subordinate episcopates—the jurisdiction of all the bishops emanates, as we have said, from that of the Pope—and on the other hand over the particular Church of Rome, in which it is, on the contrary, *exclusive* of every particular episcopate: Rome can have no other Bishop than the Pope. Undoubtedly, if Peter had not united them, the universal pontificate and the Roman pontificate would have counted as two distinct pontificates: but now they make up a single pontificate with the Pope for subject.

For this state of things Cajetan seems to give only an historical reason: when Peter came to Rome he found no episcopate already there and so set up the universal episcopate at once in the still unoccupied place. Billot goes deeper: he recalls that the universal jurisdiction of the Pope and the particular jurisdiction of the bishops make up together, not indeed more power, but a multiplicity of powers; and that, says he, is possible because the Pope and the bishops are distinct subjects; but if the supreme jurisdiction and the particular are united in the same subject the second disappears into the first, and there is no longer either more power or several powers—just as, if we could put the scholarship of a pupil into the mind of his master, wre should get neither more scholarship nor more scholars.1

Coosequendy, if the Papacy were conjoined with other bishoprics it would necessarily absorb them into itself, as in fact it absorbed the bishopric of Rome.

3. Is the Papacy attached to the See of Rome for ever?

I answer, yes. I think that in fixing on Rome, Peter was prompted by the Spirit who assisted the Apostles in founding the Church. He was expressly led, I believe, by the divine will to unite the Papacy to the See of Rome for all future time. It was, in other words, by divine right that the jurisdiction over the Roman Church was henceforth fused with the supreme and universal jurisdiction, and no one in this world can ever dissociate them. The Church of Christ, the Church of Peter, the Church of the successors of Peter, is Roman for ever. The title "Roman" is more than a merely historical one reminding us that after twenty centuries the primacy ofjurisdiction remains attached to the Roman Sec; it is a prophetic title signifying that for all ages to come the primacy ofjurisdiction will be linked with the See of Rome.

That the union we speak of is indissoluble is attested by the deep instinct of generations of Christians. In order to exalt the privileges of the successor of Peter the Fathers have often exalted those of the Roman Chair, thereby showing that in their eyes these privileges were inseparable. For example, for St. Ignatius of Antioch "The Roman Church presides over the charity"—that is to say, taking it in its most natural sense, over the unity—of the Church. * For St. Irenaeus, "it is with this Church [the Roman] by reason of its more powerful principality, that every Church should agree, that is to say all the

1 *Dr Ealesia Christi,* Rome 1921, p. 596.

1 *Epistle to the Romans,* salutation.

faithful in all places" ;1 for St. Augustine "it is in the Roman Church that the principate of the apostolic chair has always resided",2 and so on. Hence we must not only say, with the *Syllabus,* that "no conciliar decree or popular will can transfer the sovereign pontificate from the bishopric and city of Rome, to another bishopric and another city", but that not even the Sovereign Pontiff himself can detach his authority from the See of Rome.3

We speak of the "See" of Rome, not of "residence" in Rome. The Pope can leave Italy, and go to Avignon. In ecclesiastical law, which is always revocable, he could even annex the episcopate of Avignon to the universal episcopate. He remains however, by divine right, the Roman Pontiff; and there can be no other legitimate Bishop of Rome. If Rome one day should be utterly destroyed, we should then have to say that the exclusive authority of the Pope over it would have become *in fact* without object, though continuing to exist *in right.* "Residence is one thing," says Perrone, "the See another. The residence is not so tied down to place that it cannot, for good reasons, be transferred elsewhere. The thing has often happened, above all during the long years of exile at Avignon. On the destruction of Rome, or its occupation by enemies of the Christian name, it would happen again. But the *See* associated with the Petrine authority cannot be detached or changed by any human authority. The Sovereign Pontiff might reside at Vienna, Milan, Berlin or St. Petersburg. It is impossible that the Bishop of Vienna or St. Petersburg should, as such, ever be Sovereign Pontiff. No matter where he lives the true successor of St. Peter will necessarily remain the Bishop of Rome."1

C. Two Extreme Opinions: Connection not Indissoluble; Connection Indissoluble Even in Fact

To this solution of Perrone's, which I have adopted, there can be only one difficulty: if Peter fixed his See at Rome to indicate, by a prophetic sign, the Chair of his authentic successors, then, if Rome were destroyed, or if persecuticn scattered all the Christians it contained, so that it had no longer a bishop *in fact,* would then the authentic line of Peter's successors be recognizable any more, and would it not be deprived in any case of the distinctive sign by which the Apostle intended to mark it for ever?

Supposing this objection were insoluble we should have to explain the fusion of the Roman and universal episcopates otherwise than as I have here explained it. We should have to choose between two extreme theses.

a. The first is that ofJohn ofSt. Thomas. He explains to perfection that it is of divine faith that the Papacy and the Chair of Rome were united in the past and still are so *to-day.* Is this union *indissoluble?* That, says he, is another question. And logically he is right: it is offaith, for example, that the Papacy

1 *Contra Haer.,* iii, 3, 2: P.G. VII, col. 848.
2 *Epist. xliii,* cap. iii, 7.
' L. Billot, S.J., *De Ealesia Christi,* p. 591.
*G. Perrone, S.J., *Praelectiones Theologicae,* Paris 1856, vol. IV, p. 257.

has been associated in the past, or is so to-day, with a person, e.g. that of Benedict XV or of Pius XII; but this union is temporary and death dissolves it. Was the Papacy attached to Rome only in some such temporary manner?

John of St. Thomas believes so. He thinks that in fixing his seat at Rome St. Peter was the executor of a decision left to his free initiative, and not the instrument of an irrevocable will of the Holy Spirit; that he then acted merely as a Pope *preserving* the Church of Christ, not as an Apostle *founding* the Church of Christ; that the bond between the Papacy and Rome is of reformable ecclesiastical law, not of irreformable divine law.

Now what derives only from the will of a Pope, the will of another Pope can change. So John of St. Thomas grants it not absurd to imagine, as certain Fathers have done when speaking of the days of Antichrist, a total destruction of Rome. Then, says he, the Pope would cease to be Bishop of Rome, and could, at his discretion, either remain without a See or choose for See some other particular bishopric, which would then belong to him by the same title as the former bishopric of Rome.

The denomination of the Church as Roman would then become merely historical. We should continue to speak of the Roman Church as we speak *of* the Church of St. Leo, the Church of St. Gregory, or the Church of Pius

There is, of course, no difficulty in imagining the disappearance of the temporal Rome before the end of human history. But in the texts of the solemn magisterium proclaiming the Roman Pontiff as head of the universal Church it seems to me difficult to see the simple acknowledgement of a temporary connection, in place of a stable truth involving the future.

b. Other theologians seem to link up the fate of Rome and that of the Papacy too closely. They consider—as I also would maintain—that the Papacy is joined to the See of Rome by express will of the Holy Spirit, and so by a necessity of divine law, since it will never be joined, for example, to the See of Ostia. They hold consequently, as again I would agree, that this union is, *in right,* indissoluble, indestructible. But they add that it is indestructible *even infact.* They think that the Papacy will always have Rome at its disposal, that the local Church of Rome will never fail the Pope. They therefore hold it to be impossible that Rome should ever lack clergy or faithful;[2] or again, for it seems indeed to be bound to come to this, that the city of Rome, the soil of Rome, should ever disappear: Rome, even materially, would be eternal, as eternal as the Church militant herself.

To these extremes I prefer the middle position of Perrone. And to the objection made against it the reply is, I think, that on the day when the Church of Rome, or Rome itself, were to disappear, the authentic line of the successors of Peter would undoubtedly lose one of the *positive* signs that make it recognizable, but it would still be indicated by this *negative* sign among others: all those who formed the links of the chain of succession would be

[1] II-II, qq. 1-7, disp. 1, a. 4, nos. 14 and 20, vol. VII, pp. 204 and 208.
[2] Bellarmine, *De Rom. Pont.,* lib. IV, cap. iv; Billot, *De Ecclesia Christi,* p. 536.

Bishops of Rome "by right"; and if they were not so "in fact", it would be solely because the Church of Rome, or Rome itself, would have ceased to exist.

D. "Roman Church" a Name of Humility but also of Miracle

The true Church is the Church of the true Pope, of the true successor of Peter; but the true Pope is, by divine law as we have said, the legitimate Bishop of Rome. He then who sees by what precise title the true Pope is Roman, secs at the same time by what precise title the true Church is Roman. Yet "Roman" is not her interior, comprehensive and essential name, but merely her concrete, obvious and easily apprehensible name. When the Christian communities of the Far East, converted from paganism by St. Francis Xavier, and left \vithout priests for two hundred years, once more saw new missionaries disembark, they recognized them simply by asking whether they obeyed the "white robe".

"Jesus of *Nazareth,* a man approved of God . . ." (Acts ii. 22); Jesus of course was more than that; however, He was truly that; and if Peter wept bitterly for having denied this name of humility, it was in the thought that his Master had become a Nazarene only that He might dwell among us, and that this name was, at bottom, one of the dearest names of His love. We may say, perhaps, in a similar way that "Roman" is the name of servitude of the divine Church, her name of humility, borrowed from a corner of the earth, since to save the world she cannot but know subjection in her turn to the bonds of space and time.

It is already, at the same time, a name of miracle. It tells us directly—not in virtue of a mere metonymy, but of a real promotion of the Roman episcopate to the universal episcopate—where to find the spiritual power that Simon, son of John, received from Jesus on the shores of the Lake of Tiberias, and was to deposit in the bosom of the Christian community founded in pagan Rome, in Babylon (1 Pet. v. 13), that thence he might unify the Christians of the world.

E. The Pope, as such, Roman, never Italian; He alone Subject of no State; Sense in which His Sovereignty is "Foreign"

The Pope, as we have said, will always be Roman. If one day he should be Bishop of New York, Valparaiso, or Nazareth, that will be additionally and by ecclesiastical law, not primarily and by divine law. Possibly the Pope will never be the Bishop of these places, but it is impossible that he should not be in fact, as long as Rome exists, the one legitimate Bishop of Rome. But if the Pope as such is always Roman, the Pope as such is never Italian, never a subject of the Italian state, or of any other state whatever.

Spiritual jurisdiction is above temporal jurisdiction. The person in whom it resides in its fullness is above those in whom resides the fullness of temporal

jurisdiction. He is absolutely free, absolutely independent of any temporal power.

The jurisdictional measures he will take for the supernatural good of souls will doubtless never concern the temporal as such, that is, the purely temporal; but they cannot fail to have immeasurable repercussions on the temporal order, which, being a human order, necessarily includes intellectual and moral values demanding of themselves to be vivified by the spiritual, and to be referred (as pure means or intermediate end) to the common good of eternal life, to God Himself.

If the Sovereign Pontiff were the subject of any state, he would be bound, in certain respects at least, to serve its interests. The supreme spiritual jurisdiction over the universal Church would thus be limited and controlled by the temporal jurisdiction of a state, the Church would be a State Church, a monstrosity; Catholics, as such, would have in effect to obey a foreign temporal prince. In reality, the other Kingdom to which they belong, if it is in this world, is not of this world. The other sovereignty they obey, if "foreign", is not so only with respect to some particular temporal principate, it is so with respect to the whole order of temporal principates. If on occasion it has taken them out of the hands of their political rulers, it has been in the strict measure in which these political rulers have taken them out of the hands of Christ; it has no ambition to take them from their temporal societies in order to subject them to some other temporal society, not even to a pontifical society, however legitimate, however necessary this last may be.

It is an error to believe, as the Anabaptists did in the past, that Christians are free from the State, that when they become children of God they are released from their duties as citizens. St. Peter and St. Paul reminded the first Christians of their civic obligations. Christians belong simultaneously both to the Kingdom of God in which they have to act in their capacity as Christians, and to the kingdoms of this world in which they have to act in their capacity as citizens, but after the manner of Christians, not like pagans. This distinction, it may be, does not make things too easy, and may result in numberless cases of conscience. It cannot, in any case, be denied without falling into heresy. The line that separates our duties to the Kingdom of God and our duties to the kingdoms of this world, divides the hearts of Christians. They have to witness to their Master twice over: by working to *build up* the spiritual kingdom, the Church, the visible Body of Christ; and by working to *save* the temporal order, to purify it, to quicken it by grace, to Christianize it, and to orientate it as an intermediate end towards the higher goods of eternal life;[1] and that too without destroying its autonomy, without reducing it to the condition of a pure means. If the activities of Christians are thus divided, that is not, properly speaking, due to the *essence* of charity and to the *essence* of the spiritual Kingdom; for the supreme law of charity and of the spiritual Kingdom, which will appear in the heavenly

[1] It is for God that we must render to Caesar the things that are Caesar's ("et propter Deum quae sunt Caesaris Caesari"] (Pius IX, Denz. 1841).

Jerusalem, is a pure law of unity. It is due rather to the conditions under which charity and the things of the spirit have to exist in history, conditions in which the relations between the spiritual and the temporal are ruled by a law of distinction, of duality. The spirit of evil will do all it can to turn this into a law of opposition; but in the divine plan it is to remain a law of concord and of hierarchy, since the two tasks of the Christian, his spiritual task and his temporal task, are closely interdependent: to build up the Kingdom of God is already to begin to save the kingdoms of this world, and to save the kingdoms of this world, to save them truly, is not possible without bringing them under the radiance of Christian charity. But however real is the interdependence of the spiritual and temporal tasks of the Christian, it does not dispense with all division of labour, with all specialization of Christian activities. There will be specialists in Christian spiritual activity who will act more *as Christians as such,* and specialists in temporal activity who will act simply as Christians. In virtue of the deep vital unity of the Church, the Body of Christ, in which no member can work save by help of all the others and in view of all the others, the purely spiritual specialists Avili really participate in the undertakings of those of their brothers who are concerned with bringing the radiance of charity into the heart of the affairs of this world; and these latter will really participate in the prayer and action of those who work in the inner depths of the spiritual Kingdom. For it is one same person, one same Church whose members they are, who, through both of these, in unanimous effort, works to build up the Kingdom of God and to save the kingdoms of this world.

Among the specialists of spiritual activity we must put, besides those laymen vowed to "Catholic action", all those Christians who, whether by reason of their functions and offices as clerics, or by reason of the state of life as religious (assimilated on this point with clerics by the Code of Canon Law), have a right to ecclesiastical immunities, and escape to a certain extent the order of the civil society. They are not freed from it altogether. They continue to depend in part on the kingdoms of this world, in which they have to act in a Christian manner, endeavouring by their spirit of justice to bring the whole temporal order of their country into the light of Christianity. That is as true of bishops as of other clerics: if they too have to observe the just laws of their respective countries, it is not as the promulgator of the law is bound to obey the law, to set the example, "quantum ad vim directivam legis", but like any ordinary citizen by obedience "quantum ad vim praeceptivam legis".1

1 cf. Dominic Soto, *In IV Sent.,* dist. 25, q. 2, a. 2; P. de la Servière, *La ThMogit de Ballarmin,* Paris 1908, p. 219. The parts played respectively by clerics, who are necessarily specialists in Christian spiritual tasks, and by laymen, specialists in Christian temporal tasks, as also the close interdependence of these two kinds of task, arc indicated in the following passage from Maritain: " We may say that a certain division of function occurs here between clergy and laity, and that it belongs rather to the laity to manifest the immanence of Christianity by throwing themselves into the business of this world and acting there like Christians; and rather to the priests to manifest the transcendence of religion by dedicating themselves to the service of souls and of the Kingdom of God and by avoiding, as the worst evil into which they can fall, any enslavement of their sacred mission to men who are

But if the bishops, like the rest of the clergy and faithful, arc members at once of temporal kingdoms and of the Kingdom of God, it is otherwise with the Sovereign Pontiff. The plenary spiritual jurisdiction that comes to him from Christ takes him necessarily and wholly beyond all jurisdictional subjection. He is the subject of no state (if he is the citizen of any country, it will be of the Pontifical State alone, of which he cannot but be the Prince). It is a privilege that can indeed be invaded in respect of its exercise, but cannot in itself be voided or alienated. This essential privilege of which the States of the Church and the hide Vatican City were later to be emblems, already belonged to St. Peter. The first Christians were subjects of the Empire, and he took care to warn them to be "subject therefore to every human creature for God's sake: whether it be to the king as excelling, or to governors as sent by him for the punishment of evildoers and for the praise of the g (i Pet. ii. 13-14). But he himself, by reason of the power he held from Christ, was free. If, in actual fact, he obeyed the Imperial laws, he did so in the recollection of the still recent drama in which he had been an actor at Capharnaum: "What is thy opinion, Simon? The kings of the earth, of whom do they receive tribute or custom? Of tlieir own children or of strangers? And he said: Of strangers. Jesus said to him: Then the children are free. But that we may not scandalise them, go to the sea and cast in a hook, and that fish which shall first come up, take: and when thou hast opened its mouth thou shalt find a stater: take that and give it to them for me and thee" (Matt. xvii. 25-27). For me and thee: already he was no more bound to pay the tax than Jesus.[*]

F. On the Present Custom of Choosing the Pope from Among the Italian Cardinals

The Pope, of course, before he was Pope, was the subject of some state; and belonged moreover to some particular race and culture. In this sense we can speak of Italian, Greek, Spanish, German and English Popes. For four centuries past it has been customary, as everyone knows, to choose an Italian for Pope—the last non-Italian Pope, Adrian VI, a Dutchman, elected

ready to exploit all that is sacred in the interest of their factions, their undertakings, or their wars. In one way or another, however, it remain* incumbent on each in his own order to affirm at once the transcendence and immanence of the Christian faith. For without on that account indulging in politics, the Church may have to judge of political, economic and social things, and to intervene in die name of the morality of Jesus Christ. On the other hand, if the Christian laity ought to throw themselves into worldly and secular affairs, treating them according to their own finalities, they should do so without engaging more than themselves and their personal initiatives, and with every care not to wound and diminish the transcendence of Christianity with respect to temporal causes, even to those that are dearest to them" ("La liberté du Chrétien", in *Questions di conscience* p. 215).

[*] The text refers to die dues for the Temple at Jerusalem, and not to the imperial tax, as St. Jerome wrongly thought. It remains true that "Jesus paid for Himself and Peter only. That is unquestionably an indication of his privileged situadon. He was to be the head; he is already within the master's special sphere" (MJ. Lagrange, *Eiançile selon saint Matthieu,* p. 342). Pope John XXII condemned Marsilius of Padua and John of Janduno who claimed that Christ paid taxes to Caesar " not out of condescension, liberality, piety, but of necessity" (Denz 495).

at the suggestion of Cardinal Cajetan, died on the 14th September 1523. Why this custom? I can sec only one answer: that the advantage of a "peaceful election" would seem to be better secured, in our time, at any rate, by the designation of an Italian. When nationalist rivalries have become so acute and so susceptible this seems the best way to evade them.

The custom has not always prevailed and new circumstances, such as the present far-reaching transformation of the world, might alter it. It would be a grave error in any case to seek to lend it any other meaning, to imagine, for example, that it symbolises a secret identification of the Roman Church with Latin culture or nationality. No theologian will lend himself to such an aberration. There are, however, those who work to give it currency. Hence the bizarre reaction that started some years ago in New York. Some of the faithful, fearing that the true Church was becoming nationalized, set out to internationalize her. The project they drew up and sent to the Holy Father, the cardinals, the bishops, the vicars apostolic, the generals of orders and the rectors of Catholic universities proposed to assimilate the organization of the Church to that of the League of Nations.1 It did not direcdy mention the election of the Sovereign Pontiff, but it was easy to divine its thought on the matter: the Popes, in justice, should be chosen from the several nations in rotation—after an Italian Pope, then a French Pope, then a German one, then an English and so on.

Those who think that justice and the true nature of the Church demand that the Pope should be chosen in turn from the various nationalities, seem to think of the Church as of a confederation of Catholic nations, and of the Pope as their delegate *ex aequo* on the pontifical throne. But the Church is supranational and neither national nor international. To make this rule of national rotation a condition of just and normal election, is not really to rise above national considerations, but rather to bring the law of nationality into the spiritual domain; and even indeed the law of number. The Code of Canon Law says that "the Cardinals are freely chosen from all over the world by the Roman Pontiff".2 That is to have regard to the different nations and the number of faithful in each in the proper way, namely as a factor of merely material causality. It is not to introduce either the law and rule of nationality or the law and rule of number into the election of the cardinals. The project in question would have the cardinals taken from the various nations "proportionally to the number of the faithful in each". This number becomes a formal rule in the election of cardinals and, consequently, in the election of the Pope.

It goes without saying (and this is another question) that the organization of the Church should take account of the varying conditions of her children, and that as her Catholicity goes further afield she will spontaneously tend

1 This project, entitled: ***Intemalionalisatio S. Ecclesiae Catholicae, Res Valde Utilis,*** dated from New York, the 4th Nov. 1927, was signed by John Smith, Joseph Maier, François Deschamps, giving themselves out as delegates for many Catholics, priests and laity. It was published and discussed in ***Fede e Ragione,*** 29th April and 6th May 1928.

3 Can. 232, §t.

to find places in her hierarchy for the representatives of various peoples, languages and races. That there is plenty of room for further development here is clear enough.[1]

"Roman" Church, in any case, does not mean Italian Church nor Latin Church. The waves of the Mediterranean might meet over Italy and the Latin culture might crumble away in the chances and changes of history, but the eternal Church will remain Roman, the Church of Peter, whose universal pontificate is linked, for as long as Rome exists, with the Roman pontificate.

6. *THE VATICAN DEFINITION OF PAPAL INFALLIBILITY*

A. The Different Forms of Assistance Bestowed on the Pope

"The apostolic primacy which the Roman Pontiff holds over the universal Church as successor of Peter, Prince of Apostles" covers, besides the supreme disciplinary power, "the supreme magisterial power",[2] the aid of the Holy Spirit having been promised to the successors of Peter so that "not doubtless by way of revelation enabling them to publish any new doctrine, but by way of assistance, they should guard as a sacred trust and faithfully expound the revelation handed down by the Apostles, to wit, the deposit of faith".[3] So, as we see, it is the highest task of the pontifical magisterium, which is to guard the revealed truth, that the Council of the Vatican proposes to define in a precise manner and to proclaim solemnly; thus closing the medieval discussions about the respective authorities of Pope and Council.

The theologians point out that the Pope can be considered as a private person, as a particular theologian, the author for instance of a theological work or a treatise on Canon Law, and so on; or as the Sovereign Pontiff and ruler of the Church. From the first standpoint he does not differ from other theologians; he is, as they are, liable to err. It is only in the second capacity that he is protected by the various forms of divine assistance we have recognized. In imitation of the moral philosophers who carefully distinguish the "acts of the man" proceeding from our psychological mechanism (reflex acts), and "human acts" proceeding from deliberation (responsible acts), we may here distinguish the "acts of the Pope", in which the Pope does not engage his supreme jurisdiction, and "pontifical acts", in which he engages his authority as Vicar of Christ. The divine assistance

1 Père Congar echoes the weighty opinion of Mgr. Strossmayer in calling for this " policy of non-unifurnuty ", this treatment of peoples according to their genius, their traditions, their needs and their own peculiarities; he notes that the intentions of the Popes have not always been fully understood: " While the Popes, personally, insist on respect for the rites» the customs, the native psychology in the lands of the near and far East for example, the formation of the clergy and the general regime of life remain too narrowly Latin. One wonders whether perhaps between the supreme authority of the common Father and the immediate organs of execution, there is not needed a more international administrative body by' whom the peoples could be more readily heard" *(CMtims désunis, principes d'un" ocasméninnc " catMique,* Paris 1937, p. 132: this passage appears to have been omitted from the English edition).

1 Vatican Council, Dcnz., 1832.

' Dcnz., 1836.

concerns these "pontifical acts", not the "acts of the Pope". With all the less reason docs it concern the acts of a dubious Pope or an Antipope.

Let us furthermore recall that the assistance promised to pontifical acts can be either fallible or infallible, and with an infallibility which, according to the case, may be simply prudential, or, on the contrary, absolute.1 Now it is solely the *absolute* infallibility of the Sovereign Pontiff, teaching either truths proposed expressly as revealed or truths proposed simply as irrevocable, which is defined in the fourth chapter of the Constitution *Pastor Aeternus.*

B. The Vatican Definition

Here is the definition:

"The Roman Pontiff, when he speaks *ex cathedra,* that is to say when in the exercise of his office of pastor and teacher of all Christians he, in virtue of his supreme apostolic authority, defines that a doctrine of faith or morals is to be held by the whole Church, by the assistance of God promised to him in the person of Blessed Peter, has that infallibility with which it was the will of our divine Redeemer that His Church should be furnished in defining a doctrine on faith or morals; wherefore such definitions of the Roman Pontiff are irreformable in themselves and not in virtue of the consent of the Church."2

Here, as we see, there is question:

a. of *pontifical* acts, in which the Pope is acting as pastor and doctor of all Christians,

b. and engaging his authority *solemnly {ex cathedra}, absolutely* and *irrevocably {definitio irreformabilis),*

c. to define a doctrine either speculative or practical in content *{doctrina de fide vel moribus).3*

1 What is the precise weight of the assistance accorded to encyclicals? Billot holds it as beyond doubt that the Pope is infallible in certain circumstances in which he is, however, not speaking " ex cathedra ", and he quotes encyclicals as an example, maintaining that in them the Pope expounds Catholic doctrine not as one who defines and proposes a new doctrinal judgment, but as one who instructs the faithful concerning what is involved in the Church's teaching *(De Ecclesia Christi,* 1921, p. 632). Choupin, however, holds that if the Pope is to be infallible it is not enough that she should speak as tiic head of the Church (pontifical act) but that in addition it is necessary that he should speak with the intention of settling a question definitively—that he should decide the matter " ex cathedra ", that is to say, solemnly *(Valeur des decisions* etc., pp. 15 ff.). I am of the opinion that that is the solution. Certainly, encyclicals frequently recall truths of the faith. However, they are in themselves assisted not *absolutely* but merely *prudentially,* and in this prudential assistance will reveal itself as either fallible or infallible in proportion to the insistence with which they emphasise a given teaching, cither doctrinal or disciplinary. Cf. His Holiness Pope Pius XII, encyclical *Humani Generis,* 12 August 1950: "It must not be believed that what is proposed in encyclicals does not of itself claim assent (on the pretext that the Pontiffs do not then exercise the supreme power of their magisterium). This teaching derives from the ordinary magisterium, to which also apply the words: ' He who hearcth you, Lcareth me. . " (Sec above, p. 415, n. 2).

1 Denz., no. 1839.

3 The Council does not say whether the doctrine defined " ex cathedra " is necessarily of divine faith, or whether it could be sometimes an object of that faith which modem theologians call ecclesiastical. The intention was certainly to define that the infallibility of the Sovereign Pontiff, when he proposes a truth as " revealed ", is to be held with divine faith; it was not to pronounce on the point as to whether the infallibility of the Sovereign Pontiff, when he proposes a truth simply as " irreformable ", is an object of divine faith or of the faith called ecclesiastical. That is

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The first chapter of the Constitution *Pastor Aeternus* condemned the error of those who think "that the primacy of jurisdiction was given immediately and directly, not to Peter himself, but to the Church, so as thence to devolve on Peter as representative of the Church".[1] The same error could be committed in respect of the infallibility. It does not pass upwards from the Church to the Pope, who is the Vicar of Christ Himself and not of Christians. Consequently the definitions of the Roman Pontiff are irreformable of themselves, *ex sese*\ they do not get their infallibility from majorities nor from the general will, *non aulem ex consensu Ecclesiae.*[3] The Pope indeed can never be isolated from the episcopal college nor from the Church, but he is not the delegate of the Church; he is, as Peter was, the delegate of Christ and the head of the Church. He is no mere echo of the collective consciousness of the Church; he is the infallible judge of the doctrinal consciousness of the Church. Hence it is the Sovereign Pontiff himself with whom the whole Council actively associates itself—*itaque nos . . . sacro approbante concilio, docemus . . . et definimus,*—who, in the Constitution *Pastor Aeternus,* solemnly defines his own infallibility.

C. The Revelation of Infallibility Contained in the Gospel

The Council could define only a truth contained in the primitive revealed deposit. Where then is the revelation of the infallibility of Peter and his successors?

It is côntained implicitly in the two great revelations made by Our Lord to Peter, reported respectively by St. Matthew and St. John.

At the end of St. Matthew's Gospel, Jesus, to whom all power has been given in heaven and on earth, sends His disciples to evangelize the world, promising His assistance till the end of the world. What is explicitly designated here is the indefectibility of the teaching Church. But the teaching Church, and every believing Church sustained by her, has Peter for foundation (Matt. xvi. 13-20). To say that the Church is truly indefectible, and that it is truly based on the assistance promised to Peter, is to say in a way that is as yet implicit but already real that the assistance promised to Peter is indefectible.

In the same way, it is explicitiy affirmed at the end of St. John's Gospel (xxi. 15-17) that Jesus, who was about to withdraw His visible presence from the world, chose Peter as the pastor of all His sheep. But the visible flock of the sheep of Christ is indefectible; it should even grow greater with sheep who already belong to Christ in secret but are still visibly wandering (x. 16). To say that the flock of Christ has a visible pastor on earth, and to say that

why the Council assimilated the infallibility of the Sovereign Pontiff to the general infallibility of the ecclesiastical magisterium. This certainly involves divine faith when it bears on the revealed ", but theologians dispute as to whether it involves divine or ecclesiastical faith when it bears on what is " connected with " the revealed.

1 Denz., 1822.

1 Denz., 183g.

this flock is indefectible, is to say in a way that is still undoubtedly latent, but real, that the visible pastor of the Church is, as such, indefectible.

There is besides, and it should be considered as *explicit* inasmuch at least as it directly concerns the person of the Apostle, the revelation of the infallibility of Peter found in St. Luke: "Simon, Simon, behold Satan hath desired to have you that he may sift you as wheat. But I have prayed for thee that thy faith fail not: and thou, being once converted, confirm thy brethren. Who [Peter] said to him: Lord I am ready to go with thee both into prison and to death. And he said: I say to thee, Peter, the cock shall not crow this day, till thou thrice denicst that thou knowest me" (Luke xxii. 31-34).[1] It was all the Apostles that Satan wanted to sift like wheat. It was for all of them too that Jesus prayed in His sacerdotal prayer: "I pray for them . . . Sanctify them in truth. Thy word is truth. As thou hast sent me into the world, I also have sent them into the world. And for them do I sanctify myself: that they also may be sanctified in truth. And not for them only do I pray, but for them also who through their word shall believe in me . . ." (John xviii 9-20). This divine prayer, however, will not be effective without any other means at all. The Apostles themselves and all the faithful are to be confirmed in the faith from without by one of their own band. As well as the prayer for all, there is the prayer for Peter, a special prayer: a privilege has been bestowed on him; the word to come from him was to enlighten all the world, and to be so potent an aid for believers that it would enable them to overcome all the wiles of Satan: "I have prayed for thee that thy faith fail not, and thou, being once converted, confirm thy brethren."[2]

D. Infallibility not Impeccability

But Scripture contains another lesson, and the insistence with which it opposes Peter's privileges to his ignorances and faults, leads us to make a clear distinction in his successors, between infallibility and impeccability. St. Luke has hardly finished reporting the prayer offered for Peter's constancy than he goes on to announce Peter's impending treason. St. Matthew has hardly drawn his picture of St. Peter inspired by the Father to confess the divinity of Christ (Matt. xvi. 16-19), than he represents him as invaded by the spirit of darkness and incurring Jesus' anathema: "Go behind me, Satan,

[1] Tliis solemn declaration, coming just after the text "The kings of the Gentiles lord it over them; and they that have power over them arc called beneficent. But you not so: but he that is greater among you let him become as the younger, and he that is the leader as he that serveth", prompts Bossuet to write: " Since, in reproving the ambition of the Apostles, He had spoken in a way that might lead some to believe that He was leaving no sort of primacy in His Church, and that He had even weakened what He had given to Peter, He speaks here in a way well calculated to bring out the contrary" *(Méditations sur Γ'Évangile,* "la Cène").

[2] " The Apostle is expressly charged to confirm his brethren in the faith, his own being indefectible in virtue of his Master's prayer. The Vatican Council cites this text to establish the dogma of pontifical infallibility. And indeed, if the Apostles for whom Jesus prayed needed to be fortified in the faith by Peter, the successors of those Apostles must stand in the same relation to the successor of Peter, since the latter was set as the enduring foundation of the Church " (M.-J. Lagrange, O.P., *Évangile selon saint Luc,* p. 554).

thou art a scandal unto me; because thou savourest not the things that are of God, but the things that are of men" (Matt. xvi. 23).

Soloviev saw the antinomy very clearly. "Are we to follow our Graeco-Russian controversialists in placing this text (Matt. xvi. 23) in opposition to the one before it (Matt. xvi. 16) and so make Christ's words cancel each other out? Are we to believe that the Incarnate Truth changed His mind so quickly and revoked in a moment what He had only just announced? And yet on the other hand, how are we to reconcile 'Blessed' and 'Satan'? How is it conceivable that he who is for Our Lord Himself a 'rock of offence' should yet be the rock of His Church which the gates of hell cannot shake? Or that one who thinks only the thoughts of men can receive the revelation of the heavenly Father and can hold the keys of the Kingdom of God? There is only one way to harmonize these passages which the inspired Evangelist has with good reason placed side by side. Simon Peter as supreme Pastor and Doctor of the universal Church assisted by God and speaking in the name of all, is the faithful witness and infallible exponent of the divinc-human truth; as such he is the impregnable foundation of the house of God and the key-bearer of the Kingdom of Heaven. The same Simon Peter as a private individual, speaking and acting by his natural powers and merely human intelligence, may say and do things that are unworthy, scandalous and even diabolical. But the failures and sins of the individual are ephemeral, while the social function of the ecclesiastical monarch is permanent. 'Satan' and 'offence' have vanished, but Peter has remained."[1]

E. Indications of Belief in the Infallibility of the Bishop of Rome

That belief in the pontifical infallibility has always been alive in some form or other in the depths of the heart of the Church appears in a twofold outward sign observable by historians. Firstly, from the earliest centuries difficult and capital causes were referred to the Bishop of Rome.[2] This,

[1] *Russia and the Universal Church,* p. 97. The Pope, as head of the Church, can act with infallible assistance either (1) absolute (declaratory power), or (2) prudential (general canonical decisions); or again (3) with fallible prudential assistance (particular canonical decisions and decisions relating to the empirical existence of the Church). It is only in this third domain that his personal failings could have unfortunate effects (positive). It was in this domain that Paul resisted Peter. Cf. above, p. 147, note 4. In the other two domains the Pope's failings would result at most in errors of omission. The Pope can also act by virtue of his extra-canonical power.

[2] Mgr. Duchesne thus concludes a study on the Roman Church before Constantine: "Thus the Churches of the whole world, from Arabia, Osrhoene and Cappadocia to the ends of the West, felt in everything, in faith, in discipline, in government, in ritual, in charitable works, the ceaseless action of the Roman Church. She was everywhere known, as St. Irenaeus says, everywhere present, everywhere respected, everywhere followed; without parallel, without rival. There was none to put herself on the same footing. Later there were to be patriarchates and other local primacies. Their first lineaments are hardly to be detected in the third century, and then only more or less vaguely. Above these organisms in course of formation, as above all the isolated Churches, rose the Roman Church in sovereign majesty, the Roman Church represented by her Bishops whose long line went back to the two leaders of the Apostolic choir, the Roman Church who thought herself, called herself, and was held by all the world to be the centre and organ of unity" *(Éelisu s/barfts* Paris 1896, p. 155)·

undoubtedly, directly establishes only the primacy of the Bishop of Rome, not his infallibility; but this primacy had to make decisions that concerned Christian faith and life—it was a primacy in the realm of truth; and that is why, in the highest causes, it was incompatible with error. Secondly, without the confirmation, at least tacit, of the Pope, no Council, even general, has ever been held to be valid.[1]

In a conference given to a dissident Russian group at Paris (22nd December 1927) and published in *Cathedra Petri* (1938, pp. 199-214), Mgr. Batiffol points out that if oriental Catholicism gave itself out from the fourth to the sixth century as a *Kirchenrechl*—which after all it was free to do—and set out to be *sui juris,* yet two series of facts attest that this autonomy, historically incontestable, was conditioned by the primacy of the Roman Church; a primacy by no means one of honour only, as has sometimes been unwarrantably maintained.

First, "oriental Catholicism recognized in the Roman Church *a juridical competence,* a superior authority to which recourse could be had to reform sentences pronounced, whether regularly or otherwise, by the oriental Councils.[2] The oldest known case of such recourse was in 340, that of St. Athanasius and the bishops deposed by the Arian faction of Eusebius, formerly of Nicomedia and then of Constantinople. This precedent became law, and this law of resort to Rome remained in force till the rupture of 1054."

Second, "oriental Catholicism inaugurated, with the Council of Nicaea, the institution of the oecumenical Council, an embodiment of the authority of the universal episcopate. It is to be noted that the first seven oecumenical Councils were held in the East, and had been convoked to settle differences about the faith that troubled the East—Arianism, Macedonianism, Nestorianism, Monophysitism, Three Chapters, Monothelitism, Iconoclasm. The East had seen many other Councils, some even, in Arian days, that claimed to be oecumenical, such as those of Rimini-Seleucia. However, it recognized

[1] On the general attitude of the East to the Roman power during and after Chalcedon, Mgr. Batiffol writes at the end of his book *Le siège apostolique* (Paris 1924): " Sl Leo claims a *potestas* over the universal Church which the Council of Chalcedon does not refuse to the Apostolic See, since it seeks Rome's confirmation of its acts, and, notably, for its twenty-eighth canon." (This canon, without being "an underhand denial of the divine origin of the Roman primacy", a denial "which was not in the Council's mind", sought to confer on Constantinople an authority over the East similar to that which Rome exercised over the West.) " The Emperor Marcian awaited a letter from the Pope confirming the Council and to be read in all the Churches of the East. . . The Council of Chalcedon (451) marks the moment when the East most explicitly recognized the right of the Apostolic See to this *principatus* claimed by Rome in matters of faith and order as the condition of communion with the universal Church. If there was then no declaration to raise tills *principatus* into an article of faith, the thought of the Council of Chalcedon is not doubtful, and later controversialists will always be able to reproach the East with having repudiated it. After the middle of the fifth century, says Hamack, in the measure in which the properly Byzantine spirit prevailed in the diminished Eastern Church, the prestige of the Bishop of Rome declined, and Constantinople put an end to it for her own part by rejecting the claims that Chalcedon had subscribed " (p. 618: cf. p. 557).

[1] Cf. the following chapter of the same work: " Les recours à Rome en Orient avant le concile de Chalcédoine ", p. 215.

only those Councils as oecumenical to which the Church of Rome had been invited and had either taken part in or subsequently approved. One principle dominates the theory of every oecumenical Council: no decision involving *the Catholicfaith* is taken without the Roman Church, and none can be oecumenical without her."

The author thus sums up the significance of these facts: "Catholicism is the communion in unity of faith and institutions of all the Churches of the *Oikoumtne.* This unity is assured by the association of the Churches on the one hand, and on the other by an authority of universal scope which may be seen in operation long before Constantine took the initiative of convoking the first oecumenical Council. This authority is that of the Apostolic See *par excellence,* the Sec of Rome. What is true of the second century, of the third century, is true for the Greek East, and true till the schism of the eleventh century, which could justify itself only by repudiating, as far as this point is concerned, the doctrine of the ten preceding centuries."

F. The Doctrine of Infallibility Prior to the Vatican Definition

What has been said raises a question. Since the Vatican definition, the pontifical infallibility has been taught by the solemn magisterium as a truth of faith. How was it taught before the definition? Was it not yet proposed expressly as a truth of faith? Or was it already so proposed, but by the ordinary magisterium? Both answers, I believe, could be given, and were true of different times.

Giving the first answer wc shall say: Before the solemn definition it appeared as theologically evident (all theologians agreed on it) and as solidly guaranteed by the Church (the consent of the Fathers and theologians being a recognized theological authority) that the pontifical infallibility was a truth revealed by the Saviour. With the definition, that became divinely certain.

Giving the second answer we shall say: Before the solemn definition it was already *divinely certain,* in virtue of the ordinary magisterium, that the pontifical infallibility is a truth revealed by the Saviour, and all the faithful believed it with divine faith—if not in theory' and reflexively at least in fact and spontaneously.

However it be, it is certain that the Church has always believed, with divine faith, in the pontifical infallibility, at least in an indirect and radical manner, by explicitly believing other truths in which this infallibility was implicitly contained (if wc confine ourselves to the first answer); or even in a direct, formal and explicit manner (if wc confine ourselves to the second). And all who belong to the Church by' desire and already believe the first truths in which all the rest are rooted, believe on that account implicitly in the pontifical infallibility; perhaps unconsciously, perhaps even expressly refusing to recognize it out of ignorance for which they arc not responsible before God.

PERMANENT JURISDICTION: FOURTH DIVISION

G. The Problem of the Pope's Power to Define His Own Infallibility

It was the Sovereign Pontiff himself, in union with the Council, who, as wc have said, defined his own infallibility.

That causes no difficulty to those who think that, before the Council, the infallibility was already of divine faith on the proposition of the ordinary magisterium. It was believed therefore by divine faith that the Pope could speak infallibly on everything concerned with faith or morals, and even, consequently, on his own spiritual power. Since the definition the doctrine is held, furthermore, on the proposition of the solemn magisterium; thus faith in the infallibility proposed by the ordinary magisterium has passed into faith in the infallibility proposed by the solemn magisterium. It is as if the next Oecumenical Council should solemnly define the infallibility of Oecumenical Councils.

But there are those who think that before the Vatican definition it was not yet certain as of divine faith that the Pope was infallible. How then could there be divine faith in the sentence whereby the Pope defined his own infallibility? Are we caught in a vicious circle? The answer is, no. Already, at the moment of the definition—no Catholic theologian denies it—the faithful knew with divine faith that in order to remain in the communion of the Church, they were under an obligation to accept interiorly all definitions made by the Pope in an absolute and irreformable way. Now to believe with divine faith, express and explicit, in the existence of such an obligation, was—as Perrone remarked some fifteen years before the definition—to believe with divine faith, at least, latent and implicit, in the infallibility of these definitions; for there can be no obligation to accept interiorly as absolute and irreformable any definitions that could contradict the faith. In other words, before the definition it was of divine faith that the Pope could oblige the faithful to receive certain teachings as absolute and irrevocable. After the definition, it is furthermore of divine faith that if the Pope can oblige the faithful to receive teachings as absolute and irrevocable, this is because they are proposed by an infallible authority. The Pope's power was not increased by the definition, it was more explicitly promulgated.[1]

In neither case is there any vicious circle.

[1] Before the definition Perrone wrote, for the benefit of Catholic theologians who gave themselves out as opponents of the infallibility: "You recognize that all the faithful arc bound in duty to give an interior assent to pontifical dogmatic constitutions. It is from this duty that wc conclude to their infallibility." And he avows himself unable to understand how it can be maintained that " there is an obligation to assent [irrevocably] in mind and heart to the dogmatic decrees of the Roman Pontiff," while holding that " the Roman Pontiff, teaching the universal Church *ex cathedra,* is subject to error in matters of faith " *{Praelectiones 'Theologicae.* Paris 1856, vol. IV, p. 321)· Billot similarly noted that the duty of remaining in union with the Sovereign Pontiff in matters of faith enables us legitimately to conclude to his infallibility when defining the faith. We do not say: the Sovereign Pontiff is infallible, therefore wc must hold irrevocably to what he defines; but: the divine law commands us to believe irrevocably what the Sovereign Pontiff defines, and therefore he is infallible" *{De Ecclesia Christi,* Rome 1921, p. 677).

H. The Marks of an Infallible Teaching

As soon as an infant receives life, it is of divine faith that he is subject to original sin. The evidence of the infant's existence conditions the act of faith we make in this respect. In the same way, the evidence that the Pope intends to speak *ex cathedra,* that he intends to define a doctrine concerning faith or morals in an irreformable manner, will condition the act of divine faith with which we are to receive his teaching. We must not imagine that this evidence was unobtainable prior to the Vatican definition; quite the contrary. Billot mentions, by way of example, some ten definitions prior to the Council in which the Pope is evidently speaking *ex cathedra'.l* Boniface VIII in the Bull *Unam Sanclam,* 1302: "We declare, define and pronounce that it is absolutely necessary for salvation that every creature should be subject to the Roman Pontiff"; Benedict XII, in the constitution *Benedictus Deus,* 1336: "We define, in virtue of our apostolic authority, that the souls of the saints . . '. before the general judgment. . . enjoy the beatific vision"; Leo X, in the Bull *Exsurge Domine,* 1520, against the errors of Luther: "In virtue of the authority of Almighty God, the Blessed Apostles Peter and Paul, and of our own, we condemn and reprove these articles and these errors as respectively heretical, or scandalous, or false"—and so on. Such formulas, used by the Pontiffs since the Middle Ages, are not the only criterion; the "sense" of a pontifical act, its intention to settle a question for ever, may clearly appear independently of all conventional formulas.2

I. The Human Fear of Infallibility

"They were astonished at his words, for he taught as one having authority and not as the Scribes" (Mark i. 22). Soon they began to murmur: "How doth this man know letters, having never learned?" (John vii. 15), and they looked on Him as fanatical and possessed. The authoritarian tone in teaching is apt to offend. We like to hear suggestions which we can consider and judge, not the unmixed truth that judges us. Infallibility, which is always dogmatic, scandalized in Christ; and it scandalizes in the Church of Christ. AVhat it offends in us is, at bottom, our lack of confidence in the absolute. But can the absolute speak to us at all if not to deliver us from human opinion, " that henceforth we be no more children tossed to and fro and carried about with every wind of doctrine, by the wickedness of men, by cunning craftiness by which they lie in wait to deceive. But doing the truth in charity', we may

l *De Ecclesia Christi** p. 634.

* To oriental or Episcopalian dissidents who object against us the difficulty of recognizing, before the Vatican definition, which pontifical decisions were infallible, it is easy to reply that the problem of the criterion of infallibility arises in the same way in the case of an Oecumenical Council as in the case of the Pope. Either may intend only a partial engagement of authority, or an irrevocable engagement. The latter intention is the sole certain criterion of infallibility. I have said moreover that no mere majority of bishops serves to constitute an Oecumenical Council. There must be a majority of bishops who, as St. Vincent of Lerins says, are true disciples, true adorers of Christ. 1 shall return to this point later on.

in all things grow up in him who is the head, even Christ" (Ephes iv 14-15)?

7. *THE PONTIFICAL CITY*

One of the consequences of the jurisdictional prerogatives conferred by Our Lord on Peter was to be the appearance on the stage of history of a pontifical city.

A. A Contingent Solution of the Problem of the Independence of the Popes

The immediately important thing for the Church, demanded first and foremost by her very nature, is the independence of her supreme apostolic authority. It is only secondarily and by way of consequence that she troubles herself about the conditions that favour this independence or make it possible, conditions that vary of course from time to time. We can be sure in advance that they all leave something to be desired.

The pontifical city represents only one of the possible solutions of the problem of papal independence. It is not a perfect one, and there is no reason for thinking it final. The old States of the Church brought many troubles with them; and no one would maintain that the new Vatican City provides all the desirable guarantees. Christ Himself did not enjoy ideal conditions for preaching the Gospel; we may therefore question whether His Church will ever do so.

B. Apostolic or Canonical Sovereignty and Political Principate

There pertains to the Sovereign Pontiff as successor of Peter an authority not in the temporal order, but in the divine order; it is not a political principate capable of assuming the civil government of a population, but an apostolic or canonical sovereignty.

I myself here employ the word "sovereignty" in its proper sense, that is, to designate the Pope's power as Vicar of Christ; the words "principate", *dominium,* etc., are used to designate the political power. It will however be found sometimes (in the quotations) that the word "sovereignty" *(sovranità)* is used in the relatively recent sense of a political power not subordinated to another political power.[1]

C. The Bearer of the Apostolic Sovereignty of his Nature Independent

The person in whom this sovereignty resides is, as such, released from all human dependence, free from all subjection to political or interpolitical

[1] For a critique of the concept of political sovereignty, see Maritain, ***Man and the State,*** Chicago 1951, ch. 2.

principales. "The supreme pontifical authority" wrote Leo XIII, "instituted by Jesus Christ and conferred on St. Peter and his legitimate successors, the Roman Pontiffs, cannot of its *very* nature, and by the will of its divine Founder, be subject to any earthly power, but should enjoy the most complete liberty for the exercise of its high functions . . . The Sovereign Pontiff should enjoy this independence not only that his liberty may be wholly unimpeded, but that it may be evident to all that it is so."[1] In his discourse to the professors and students of the University of Milan, Pius XI was similarly to recall that "on account of the divine responsibility that rests upon him, the Roman Pontiff, whatever name he bears, in whatever age he lives, cannot be subject to any earthly authority."[2] This was already true of St. Peter himself.

D. His Independence Radical and Inalienable

Since the independence of the pontifical power of all forms of political authority is a privilege of the divine order, it is evidently imprescriptible and inalienable. The Popes themselves cannot renounce it. They are its depositaries, not its judges. The exercise of their power may very well be thwarted, but its essence cannot be touched. No violence, no human force can prescribe anything against the divine law. The invasion of the States of the Church by the armies of Garibaldi could doubtless hinder the free exercise of the apostolic sovereignty, but it left intact the Pontiff's *right* to his full independence. "Thus, after the loss in 1870 of the very ancient and traditional guarantees of the liberty and independence of the pastoral mission of the Sovereign Pontiff, the very essence of his imprescriptible right to liberty and independence remained. This *right* is never to be confused with the measures and material entities that guarantee it. The Pope himself is not judge of this right, which remains inherent in the divine constitution of the Church."[3]

E. The Apostolic Power's Right to Fix the Conditions of its own Normal Exercise

The Church, then, cannot renounce her right to independence, though she can go on living, as history has shown, even when it is under attack. It remains that she still has a right, by the divine will, to the normal and connatural exercise of the apostolic or canonical power. It is for her therefore to judge of the temporal conditions which may be indispensable to its functioning in any given epoch.

This question is formally and in the last resort religious, although it may be political in virtue of the realities bound up with it. The Pope has to settle it as Vicar of Jesus Christ, as head of the Church. The decisions that prudence dictates, being taken in virtue of his apostolic authority cannot, in

[1] Leo XIII, *Letter to Cardinal Ramfolla,* 15th June 1887. Cf. *Documentation catholique,* 1929, cols. 474-9.
[2] *Doaim. cath.,* 1929, col. 472.
[3] ibid., col. 476.

consequence, be likened to ordinary political measures. They are not purely temporal. Hence they arc not subject to any purely political rule or precedent.

The "Roman Question", which remained pending after the events of 1870, presented itself firstly and formally as a religious question, not one to be settled by any standing political rule. It presented itself further as a supranational question, which the apostolic authority could setde as might seem good to it, and not one that simply fell to international law and the international tribunals. Certainly, the existence of a pontifical polity concerned the Catholics of all nations; but it was not for the assembled nations to determine the conditions of this existence. Firstly, and above all, because such an intervention of the nations would have made an international question of what was properly a supranational one. Next, because the despoiled Papacy, rather than call on other nations to put pressure on the ursurping State, found it preferable to wait until this latter should of itself consent to such restitutions as could be deemed sufficient.1

F. The Apostolic Right to a Civil Principate

The apostolic sovereignty, being of a higher kind than all temporal principates, cannot willingly countenance interference by any one of them; neither by the old imperial dominion nor any of the contemporary principates with which it has to treat, to conclude Concordats, and so forth. What political conditions, what juridical privileges necessary for its free exercise, is it divinely authorised to claim?

The least that can satisfy it must needs be the most that the temporal order can offer in the way of juridical privileges; nothing less than international political principate. In virtue of liis apostolic sovereignty, and to safeguard its free exercise, the Pope will therefore have the right (all demands of justice, wisdom and prudence being reserved) to take over a political dominion, a civil principate. He has a right *apostolically*—to deny it would infringe his apostolic and spiritual power—to govern *temporally,* to assume in the end the responsibility for the temporal lot of a people. His *right* to the temporal principate is apostolic; the *exercise* of this principate is political.

1 When, in the midst of die first World War there was talk of a temporal restitution of the States of the Church in die case of a victory of the Central Empires, Cardinal Gasparri, Secretary of State to Benedict XV, wrote in *Stimmcji der ^eitf* September 1916: " Out of respect for neutrality, the Holy See in no wise intends to embarrass the government, and it places its trust in God while awaiting a suitable settlement, not by foreign arms, but by the triumph of that respect for justice which it hopes to see more and more widespread in the Italian people, in conformity with its true interest." These words " indicate another great principle involved in the question. The expression *not by foreign arms,* came to mean, in the event, *not byforeign governments.* The Roman question was not an international one, open to any external interference; it was supranational, that is to say bound up with the religious interests of all Christian peoples; but juridically it interested only the Holy See and the Italian State, seeing that these were the only parties to the original quarrel " *(Dod. calh.,* ibid., col. 478). " It was not with any dispossessed temporal prince that Italy treated to restore some part of his ancient estate; it was with the spiritual head of die Catholic Church. So true it is th.it the Concordat and the Latcran Treaty are inseparable " (G. Glez, art. Pouvoir temporel du Pape ", *Did. th/ol. cath.,* col. 2702).

This right will be the more expressly proclaimed by the ecclesiastical magisterium as it is the more openly contested. Thus the draft of the dogmatic constitution on the Church of Christ proposed to the Fathers of the Vatican Council, comprised a chapter condemning and proscribing "the heretical doctrine of those who affirm it to be repugnant to divine law that the Roman Pontiffs should add a civil principate to the spiritual power."[1] But it was formerly recognized without difficulty. We have said of St. Peter, that from the standpoint of divine law, he was not subject to Caesar. The spiritual independence of his successors was not long in finding political expression.[2] Reflecting on this phenomenon Joseph de Maistre could truly write, "An invisible law uplifted the Roman See and it could be said that the head of the universal Church was born a sovereign. From the scaffold of the martyrs, he mounted a throne which at first was hardly noticed, but which consolidated itself insensibly like all great things, and was surrounded from its earliest years by an inexplicable aura of majesty that seems to have no known human cause."[3]

1 CW/. *Lacerais,* vol. VII, cols. 572 and 577.

1 " It is childish history says Mgr. Duchesne. M to insist in the case of a Pope of the sixth, seventh or eight century on his status as a subject of the Emperor at Constantinople. In theory he was doubtless a subject, for one is either subject or sovereign, and in the Empire there was no other sovereign than the Emperor. But in reality! In reality, the Emperor did not name him, but merely ratified his election effected at Rome and by the Romans. This already distinguished him from the highest functionaries, including, and very especially, the Exarch [of Ravenna]. The authority he wielded did not come to him from the Emperor; it was certainly no reflection from the Byzantine majesty that cast its light from Rome over all the Empire and beyond. The line of St. Peter, the see of St. Peter, the authority of St. Peter, the tomb of St. Peter—that is what made the prestige of the Apostolic Lord. He was often seen to be concerned with temporal affairs, with warlike operations, negotiations of treaties, nominations of functionaries, care for the finances of the State, undertakings of the municipal order, repair of fortifications, of aqueducts, public food supplies and so on; and in none of this did he appear to indulge in unwarrantable interference. There was confidence in his moral authority, in his experience, in his administrative staff, in his financial stability. His assistance was sought, and it was not refused " *{Les premiers temps de l'Etat pontifical,* Paris 1911, p. 21).

3 *Du pape,* bk. 11, ch. vL On the historical preparation of the temporal power of the Popes, see G. Glez, *Diet, de tidal, cath.,* cols. 2671-4. During the first three centuries the Popes testified by martyrdom to the supremacy of the spiritual over the temporal. In 313, with the Edict of Milan, a new era opened. Christianity had become predominant. However, " from the civil and political point of view' the situation of the Bishop of Rome remained the same. In fact, the Pope is neither politically independent nor sovereign: he is therefore a subject. But he could not be a subject like others, and that precisely on account of the penetration of civil society by the Christian spirit. The failli of princes and of peoples, the prerogatives of his supreme office, assure him an unique place and an incomparable dignity; no article of the *Theodosian Code* determines the honours due to his person, his religious and moral predominance rests on no civil or political title. The fact that from the beginning of the fourth century Rome was no longer the residence of the Emperors certainly had important consequences, but is an insufficient basis for the complete independence of the successor of St. Peter. Already, after Constantine, the bishops could be judges in certain civil cases, and in the course of die barbarian invasions many found themselves invested with the functions of the *defensor ciiitatis.* The Bishop of Rome exercised these magistracies under conditions that brought him to the forefront, owing not only to the importance of the city' but to its distance from the new capital. It was Justinian who, by his pragmatic sanction of 554, took the most effective steps towards what was to be the temporal power of the Roman Pontiff? Then we see a triple process. The Emperor attempts to meddle in papal elections, but he reveals his impotence to assure the material prosperity of the peninsula, and the Roman people rally round the Pope who becomes the really effectual servant of the public necessities (ibid.),

PERMANENT JURISDICTION: FOURTH DIVISION

G. The Sacred Character of this Principate

Born of a quite definite spiritual exigence, the civil principate of the Sovereign Pontiff naturally reflects the spiritual values it serves, and hence it is clearly distinguished from all other civil principates. The Popes have insisted on this character. Pius IX, the Pope who witnessed the downfall of the States of the Church, had written on the 26th March i860 in his apostolic letter *Cum Catholica Ecclesia.* "The Catholic Church, founded and established by Our Lord Jesus Christ to procure the eternal salvation of mankind,'has, in virtue of its divine institution, the form of a perfect society. That isAvhy it ought to enjoy a liberty such that it is in no wise subject to any civil power in the fulfilment of its sacred ministry ... It was therefore by a special decree of divine providence that after the fall of the Roman Empire and its division into several kingdoms, the Roman Pontiff, whom Christ had made the head and centre of His whole Church, acquired the civil principate ... It is easy to understand how this principate, although of its nature temporal, takes on nevertheless something of a spiritual character in virtue of its sacred purpose and of the close ties that unite it with the highest interests of Christianity." Leo XIII, stripped of his temporal power, said on the 27th September 1888, in his discourse to Cardinal Alimonda and to the Italian priests on pilgrimage to Rome: "They have dared to say that the claims of the Pope arc dictated by the spirit of ambition and desire for human dignities ... but Our aims are far higher; what is in question at this moment is the great cause of the liberty and independence of the Church."[1] And Pius XI, who solved the Roman question, did not cease to protest that the Pope is "a stranger to all vain desire for temporal dominion", that the jurisdictional guarantee he claims is, in his eyes, "a means to a spiritual end," namely the liberty and independence of the government of the Church, which is "indispensable to the religious authority" and claimed solely "in view of the inviolable rights and incontestable interests of the divine mission of the Papacy".

One point remains to be settled.

What is the nature of this "sacred character" which distinguishes the civil principate of the Pope from all others?

To reply, we must further determine the relations of the civil principate to the apostolic authority of the Sovereign Pontiff.

Is the civil principate to function as an autonomous cause essentially and primarily ordained to procure the good of a temporal polity, but guaranteeing furthermore the liberty of the Pontiff? Or will it rather seek to avoid the cares of the civil administration of a population, so as to serve the apostolic power in a manner more exclusive, more direct, more single-minded, tending at the limit to become instrumental?

[1] *Doc. cath.,* col. 475.

Affirmative answers can be given, I tliink, to both questions, but they will be applicable to different historical periods.

H. The Highest of Political Principates Involved in it

The political principale annexed in Christian law to the apostolic sovereignty is the highest of all political principates. If the notion of political dominion to which modem states very justly appeal, should have to undergo a restriction—in favour of some international organization for instance—the political dominion due to the Holy See could not emerge diminished; it would become juridically the equal of the highest existing temporal dominion. This is because the civil principale of the Sovereign Pontiff is but a symbol, a practically necessary expression, but political and therefore radically inadequate, of his apostolic sovereignty. Hence it is that the papal nuncios rank above ambassadors; and according to the ancient usage of Christendom, not yet wholly abolished and w'orthy of retention, they take precedence of all other diplomatic agents as representing a power of a higher order.

I. The Territorial Principate

Pius XI did not raise the question as to whether the notion of "temporal" principate is essentially separable from that of "territorial" principate. He was content to claim the temporal principate recognized by international law "as then in force".1 It carries with it in fact a territorial principate. The Lateran Treaty, said the Pope, in his discourse to the Lenten preachers at Rome, "aims at recognizing, and, as far as is humanly possible, at securing to the Holy See, a genuine proper and real territorial sovereignty—seeing that, up to the present at any rate, no other true and proper form of sovereignty is known if not precisely territorial *[allra forma di sovranità vera epropria se non appunto territoriale}."*- And a little further on: "Some kind of territorial sovereignty is the condition generally recognized as indispensable for any true jurisdictional sovereignty." The Treaty itself, seeking to assure the Holy See "a situation of fact and law which may guarantee its absolute independence for the fulfilment of its high mission in the world", and to assure it "an indisputable sovereignty even in the international field", lays down in article 2 that "Italy recognizes the sovereignty of the Holy Sec in the international domain, as an attribute inherent in its nature, in conformity with its tradition, and the demands of its mission in the world"; and in article 3 that "Italy recognizes that the Holy See has full property in, and exclusive and absolute power and sovereign jurisdiction over, the Vatican as actually constituted along with all its dependencies and endowments"? Territorial independence becomes the symbol and the condition of religious independence.

1 *Doc. cath.,* col. 475. 1 ibid·, col. 466. ' *Doc. cath.,* 192g, col. 1605.

But what territorial principate was needed by the Roman Pontiff? Was the Pope to reign as of old over the States of the Church? Was there a possibility of some new form of territorial principate? The expression "temporal power" of the Popes, charged as it was with historical echoes, had become ambiguous. It could suggest the idea that the Popes were dreaming of a restoration of the old Papal States. Pius XI avoided it. He spoke expressly, and desired others to speak, of the "Roman question", of the " prerogatives of the Holy See ", of the liberty and of the independence of the Pope, without so much as naming this temporal power, but speaking instead of the 'civil principate". The right to a civil principate ceased to be envisaged as involving a return to the old state of affairs.

J. The Two Forms of the Pontifical Polity: the Old States of the Church

Wc come now to the distinction between the two concrete forms of the pontifical polity, between the old States of the Church on the one hand, and the little Vatican City on the other. Let us try to determine the nature of the relations between the spiritual order and the temporal in each case.

I. APPEARANCE OF THE OLD STATES

The ancient States of the Church, as we have seen, were set up after the dismemberment of the Roman Empire as if by the action of providence. Almost without seeking it the Sovereign Pontiff found himself at the head of a temporal State. To his apostolic power was annexed a political power, of the same nature as other political powers, setting him openly and officially free from ever)' kind of political subjection. He accepted this situation as the sole clear, immediate and practical solution that the problem of his independence could at that time receive. In a culture of the consecrational type, in which temporal values were charged throughout with spiritual significance, the temporal principate of the Roman Pontiff, however distinct in itself from his spiritual sovereignty, appeared as its normal and connatural result. So true is this that at the outset the Pope, acting as temporal prince, did not even dream of adding any new title to his ecclesiastical one.[1]

Undoubtedly, the temporal administration of a city, however much it may have gone down in the world, was an enormous burden. It certainly absorbed some of the attention which should have been given to spiritual tilings. The defence of their patrimony drew several of the Popes too deeply into politics. But, if they had refused to assume responsibility for a temporal

[1] In the eighth century, at Rome, wrote Mgr. Duchesne, " the Pope was the head of the government: the militia, like everything else, depended on him and took his orders. He added no title to his ecclesiastical title. It was as head of the *Ecclesia Dei* that he was at the same time the head of the *respublica Romanorum* " (Zzr *premiers temps de l'État pontifical,* p. 98). When Pepin came to the aid of Pope Stephen II, it was, he said, for the love of St. Peter and the remission of his sins (ibid., p. 73). The distinctions came later on.

government, the Popes would have condemned themselves to see their apostolic authority perpetually obscured by princely interferences; they would have abandoned the task of making Christian values and Christian morals prevail in the new society, and they would have betrayed their spiritual mission.[1]

Thus the right of the Sovereign Pontiff to the civil principate found its first historical realization, which was to last for a thousand years, at the moment when the Pope was led to add to his apostolic mission the duty of securing the temporal welfare of a particular people by taking over the machinery' of government and defence.

2. TEMPORAL POWER OF THE CONSECRATIONAL TEPE

How was the political power of the Sovereign Pontiff to function? Like other political powers of the same epoch. At times it was to put itself at the service of the Church as a pure instrument, the Church being the principal agent, and handling it in her own way, lifting it to her own level, imposing on it her own measure, form and style.

But more often it was the political power that functioned as principal agent, under its own habitual rule and style. Its immediate end was then to procure the temporal good of society' conformably with the ideal of the Christian Middle Ages. If the temporal good of society is always and everywhere to be referred to the common good of eternal fife, which is God, there arc yet, as we have seen, two specific types of Christian state: the first containing, in virtue of its fundamental charter, none but children of the Church, so that all heresy will be a crime against the State (consecrational type); and the second, also indeed orientated to the fullness of Christianity,

[1] There very early appeared "the disadvantages of a situation which left the Pope without defence against arbitrary power. If this power wished to turn back the Christian current—and that was what Julian attempted—the Bishop of Rome would be delivered into the hands of the persecutors. If it wanted to favour heresy—as in the case of Constantius against Liberius—it would not hesitate to issue a sentence of exile. If it wanted to re-establish order in the seat of the Papacy itself and to settle differences arising amongst Christians, while itself maintaining a correct attitude—like Valentinian 1 in the case of Pope Thnrwty in 366—its intervention was bound to make it the judge of the supreme head of the Church. And if it sided with one of the opposing factions—like Honorius in favour of Eulalius, then of Boniface in 418—we may judge to what vicissitudes and dangers the Sovereign Pontiff would have been subjected if he were not master in his own house" (G. Glez, art. "Pouvoir temporel du pape," *Dût. de th&L cath.*, col. 2672). In bis allocution of the 20th April 1849, IX said: "It is evident that the faithful, the peoples, the nations, and the kings will never turn to the Bishop of Rome with full confidence and obedience when they see him to be the subject of some prince or government, and are not assured that he is in full possession of his liberty. For then they' will always suspect and fear that the Pontiff's acts will be influenced by that prince or government on whose territory he lives. And, on this pretext, the decisions of the Pope will often be disregarded." The philosophers of the eighteenth century thought the same, and were persuaded that the fall of the States of the Church would involve that of the Church herself. "When the civil principate of the Popes has fallen" wrote Frederick II to his friend Voltaire, "then we shall be victorious and the curtain will come down. The Holy Father will get a fat pension. But what will happen next? France, Spain, Poland, and, in a word, the Catholic powers, will not want to recognize a Vicar of Christ beneath the Imperial sceptre. Each will set up his own Patriarch ... Bit by bit thc'unity of the Church will dissolve, and in the end each kingdom will have its own religion, just as it lias its own language" (cited by Glez, loc. cit., col. 2687).

but—because it has to be a political union of believers and unbelievers, or simply because it has to cope with the higher differentiation of the temporal order that historical progress brings with it—finding a place in its basic charter not, doubtless, for "dogmatic tolerance" which takes freedom to err for a good thing in itself, but for "civil tolerance" which imposes respect for consciences on the State (secular type). The pontifical city was of the consecrational type, unlike that of the secular Christian temporal order whose advent we now await. By ruling it in accordance with the public law of medieval Christendom, the Pope hoped to give the princes an example of a political order fully respecting the spiritual: "Nowhere" wrote Innocent III, "is ecclesiastical liberty better respected than in those regions in which the Roman Church holds the plenitude of temporal and spiritual power."[1] He could even hope to exemplify a fully human political order. The efforts of the Popes—to ensure the safety of their subjects, to conclude treaties with neighbouring peoples, to fight poverty and social inequalities, the slave trade and piracy, to protect the Jewish minorities, to promote the development of the arts and sciences, to expand the public services—may not all of them have been fully successful, yet we should recognize that they all had a symbolic value and witness at least that the will to refer the temporal to the spiritual is not a will to sacrifice it.

3. ITS SPIRITUAL CHARACTER JUXTAPOSED

It was as "prince" and not as "pontiff" that the Pope had to procure the common good of a civil population, as prince and not as pontiff that, to defend the Roman city against attacks that imperilled its existence, he could use force in his turn, with the right to decree the punishment of death, suppress internal disorders, and take up arms against the invader.

The prince is for the people and not vice-versa, which would be tyranny; the people may defend the prince but in so doing it defends itself. The civil principate of the Pope was for the good of the Roman City. Its immediate, proper and specifying end was temporal. And political good no doubt demands always to be referred to the good of the Kingdom of God and of eternal life: but in the manner of an intermediate and infravalent end, not as a pure means; so that government remains a temporal work, a political activity. It does not become spiritual, raised above itself, save when it functions exceptionally as a pure instrument of the Church.

Where then are we to look for the sacred character which distinguishes the civil principate of the Pope from all others? It is not to be found in the relation of the principate to the temporal and political end it has to serve. It lies in the relationship which unites in one sole person both the Pontiff and the Prince, so that the independence of the Prince (which serves the independence of the City) brings political independence to the Pontiff and that exemption from political subjection needed for the full exercise of his spiritual power. The sacred character of the civil principate is to be sought

[1] P.L. CGXIV, col. 21.

not in any subordination of the role of Prince to that of Pontiff, but in the union, the juxtaposition, of these two rôles in a single person. The government *of the old* Roman state was not apostolic. It was a political government, but a political government which, while exercised as such, secured the free exercise of the apostolic jurisdiction in addition. It was in this sense that it took on a sacred character.

4. THE pope's DEFENCE OF HIS RIGHTS AS PONTIFF AND AS PRINCE

The Pope, as we have said, has the apostolic right, all demands ofjustice being respected, to assume that kind of civil principale which, at a given period, seems to be the moral guarantee of his independence. To attack this right—to force the Pope to give up his temporal power—was a direct attack on the Church herself, a sacrilege. The Pope could defend himself as Pontiff, avail himself of ecclesiastical arms, of spiritual penalties[1]—even indeed, had they been applicable, such temporal penalties as the Church had made hers, penalties for which she was ready to take the responsibility. But the Pope could also defend himself as Prince, oppose his own armies to those of his enemies, and descend into the political arena.[2]

An attack, even unjust, not upon the Pope's right to be a prince, but upon his way of exercising the principatc, the expediency of his temporal proceedings, was, in itself, a merely political opposition. The Pope had to deal with it as Prince, as temporal ruler. However, he could still intervene on due occasion as Head of the Church, *ratione moralilatis,* to bring ecclesiastical penalties to bear against those concerned in any unjust war whatsoever; and similarly, he could grant spiritual favours—supposing the recipients otherwise worthy of them—to those who went to war to put down an injustice.

In a general way, it was as Pontiffs, as successors of Peter, as Vicars of Jesus Christ, that the Popes had recourse to ecclesiastical penalties. Whenever we see them resort to harsh measures—when they draw the sword with their own hands, or take the responsibility for making princes draw it—they were acting in their political capacity, whether as temporal rulers of the Roman State, or as protectors of Christendom, and by right of the additional powers accruing to them from the existence of a consecrational Christendom. To speak otherwise would be to confuse the principate of temporal things

1 " The Piedmontese government, having rejected our just protests, has arrived at such a degree of audacity as no longer to fear to attack the rights of the universal Church herself, by seeking to overturn die aril principate which God has joined to the see of Blessed Peter to protect and preserve the liberty of the *apostolic* ministry ... It has not only despised our warnings, our complaints and ecclesiastical penalties, but also ... it has not hesitated to invade our states .. . That is a great *sacrilege* it is, at the same time, a violation of another's rights, in contempt of all laws, divine and human, to die overturning of all justice, the destruction of the foundations on which every civil principatc, and every' human society rests" (Pius IX, Letter *Cum Calholica,* 26th March i860).

2 It is thus that Pastor justifies the wars of Julius II: " It is however objected that the Vicar of Christ should not be a warrior. This objection completely ignores the two-fold nature of the position created for the Papacy by its historical development. Ever since the eighth century the Popes, besides being Vicars of Christ, liad also been temporal princes. As such they were compelled when necessary, to defend their rights against attacks and to make use of arms for the purpose " *(History of the Popes,* vol. VI, page 450).

with the principatc of charity, the rôle of political ruler with the rôle of the Vicar of Christ as such. It would be to forget that Jesus has given His Kingdom as such this special mark: that it docs not defend itself by arms.

5. THE TEMPORAL PRINCIPATE OF ITS NATURE LIMITED

In the ecclesiastical State the immediate legitimate Prince is the Pope. Elsewhere are other princes, whose mission is recognized and consecrated by the Church. The Pope's principate is obviously not intended to supplant or dominate them, but to enable him to treat with them on terms of equality; and also, but secondarily, to give them an example of wise temporal government. To see—like Dostoievsky—in the civil principate of the Popes, an imperialist dream aiming at dispossession of the princes and a gathering of all the temporal power in the world into the hands of the Pontiff, is a strange error, a substitution of pure poetic fancy for theological thinking.[1]

[1] Dostoievsky attributed to the Roman Pontiff no petty desire for personal domination, but a great dream of empire of which the Pontifical State seemed to him to be the symbol and the initial fulfilment. Because he was never willing to recognize the essential duality of Church and State, he could but choose between two extreme and opposed tendencies: the Russian millenarianism aspiring to dissolve the State into the Church, and Western atheistic imperialism attempting to absorb the Church into the State. As a consequence he could not see the true character of the Pope's civil principale, which is not in the least meant to diminish the distinction between spiritual and temporal, nor to undermine the other temporal dominions—non *eripit mortalia, qui regna dat caelestia*— but to keep tire exercise of the apostolic power free from their interference. The mystery that Dostoievsky saw in the Pontifical City was a mystery of iniquity, and he gave us the key to it in his Legend of the Grand Inquisitor. There he shows us the Pope ambitious to organize the kingdoms of this world, the kingdoms that Jesus disdained; he identifies him with the Beast of the Apocalypse, who receives authority over the nations from the devil. That, for him, is the secret of the Papacy; and, at bottom, the secret can be no other than the atheism of the Pope. "Your Inquisitor docs not believe in God," said Aloysha: to which Ivan replied: "You have hit it at last; and indeed his secret is atheism." And Dostoievsky seriously thinks the same as Ivan Karamazov. In his *Journal of an Author* he says, not of any medieval Pope such as Gregory IX or Innocent IV', but of Pius IX, to whom he attributes stupid dogmatic definitions and absurd designs: "In proclaiming the dogma that Christianity cannot maintain itself in the world without the earthly possessions of the Pope, Catholicism has, by that very fact, proclaimed a new Christ, quite unlike the old, who has allowed himself to be overcome by the third temptation of the devil concerned with the kingdoms of earth: *All this will I give thee if thou wilt bow down before me and worship me . . .* It is worthy of remark that the promulgation of this dogma, the revelation of the whole *secret,* took place at the moment when Italy was knocking at the gates of Rome . . . There has always been a *secret.* For many centuries die Pope has made a show of being satisfied with his miniature domain, with his Pontifical States, but all that was simply allegorical. What matters is that beneath this allegory was hidden the germ of a profoundly important idea along with the confident hope of the Papacy that this germ would some day develop into a tree large enough to cover all the earth with its shade. So then, when his time has come, when the last fragment of his earthly power is about to be snatched from him, the head of Catholicism at die threshold of death arises and proclaims the truth in the face of the world: *lou thought that I would be content with the title of Sovereign of the Pontifical States? Know then that I have always regarded myself as the owner of the whole universe, of all the kingdoms of the earth, as their ruler not spiritual only but temporal, as their sovereign and emperor. I am king and lord of those who govern, and all destinies here below, all duration and time, depend on me alone. That is why I proclaim it to-day before the world in the dogma of my infallibility.* Truly, there is power in that, nothing ridiculous» but an authentic air of majesty. It is the resurrection of the old Roman idea of empire and of unity which has never died in Roman Catholicism; it is the Rome of Julian the Apostate not yet conquered, but in some sort the conqueror of Christ in a new and supreme battle." To these aberrations wc may oppose Bcrdaicff's quiet remark: "In his *Legend of the Grand Inquisitor* it is socialism rather than Catholicism, which he knew very superficially, that Dostoievsky envisaged. The future

The apostolic power alone is universal, the civil principate is, of its essence limited.

6. AN ECCLESLKSTTCAL STATE AT JERUSALEM?

There was, it is true, a moment when the formation of new papal states seemed to be dreamed of. Their object this time was not to assure the independence of the apostolic power, but the freedom of the Holy Places and of the sepulchre of Christ. If Urban II entrusted Bishop Adhemar of Monteil with the direction of the Crusade, if he declined the offers of the too-enterprising Count of Toulouse, it was, thinks M. René Grousset, in the hope of organizing the Holy Land as a patrimony of the Holy See—or at least as an ecclesiastical principality like so many other bishoprics of the Empire.[1] In fact, after the conquest of the Holy Places Godfrey de Bouillon did not take the title of King, refusing, according to the tradition, "to wear a golden crown where Christ had worn a crown of thorns". He contented himself with the title of Defender of the Holy Sepulchre, under Christ the King to whom the Holy Land belonged. The supreme government passed into the hands of the Latin Patriarch of Jerusalem, Daimbert. According to Carl Erdmann, on the other hand, no text exists to warrant us in attributing territorial ambitions to Urban II; the Pope had even made it clear to the Council of Clermont that the Churches of the recovered lands would recognize the hegemony of the conqueror. Pascal II, after the capture of Jenisalem, said nothing more about territorial claims; and Daimbert worked in the interests of the Patriarchate of Jerusalem, not in those of the Papacy. It was the Crusaders themselves who, after the capture of Antioch, entertained the idea of asking the Pope to come and take possession of the first of the secs of St. Peter.[2] But in any case the idea of a Palestinian ecclesiastical state was not practicable. "The precarious Western colony to which a freak of history had given birth in the heart of the Mussulman world was to live in a state of perpetual war, unable to put off its armour for a single day."[3] To want to make it into a colony of clerics was paradoxical. The Frankish kingdom of Jerusalem was to be the march of Christendom towards the frontiers of Islam. History was to know no other pontifical city than that which would go to assure the independence of the apostolic power.

7· THE POPE AS SUZERAIN

If the Pope was the head of a state he could, in feudal law, receive the homage of vassal princes and thus enlarge the field of his temporal jurisdiction. In fact we shall see the princes of Norman Italy and of Spain, die kings

kingdom of the Grand Inquisitor accords less with Catholicism than with atheist and materialist socialism. The latter yields to the three temptations that Christ overcame in the desert '* (*L9esprit de Dostoïevski,* Paris 1929, p. 238; cf. p. 168).

1 René Grousset, *Histoire des croisades,* vol. I, p. i66.
* C. Erdmann, *Die Enlstekung des Kreuzzugxedajikrns*, Stuttgart 1935, p. 322.
3 Grousset, loc. cit.

of Hungary, Croatia-Dalmatia, Kiev and so on, recognize his suzerainty, sometimes to acquire a legal existence, sometimes to escape the grasp of the Germanic Emperors. The power of a suzerain, although the medieval Popes made use of it to advance the interests of the Kingdom of God in the vassal lands, was temporal in character with clearly circumscribed rights. It must be carefully distinguished from the higher and more universal jurisdictional titles which enabled the Popes to address themselves to all the princes of Christendom without exception; whether immediately in virtue of their canonical power to recall them to their duty to govern in a Christian manner and solemnly to condemn their shortcomings, or in virtue of their position as protectors of a consecrational Christendom. It is one of the achievements of M. Augustin Fliche to have proved the existence of a very clear distinction in the time of Gregory VII between the Pope's suzerainty and what he calls the "sacerdotal government".1 This distinction clearly emerges from the facts, whatever in other respects may have been the compénétration of Church and State in the Middle Ages.

8. CAN THE VICAR OF CHRIST BE A PRINCE?

But—a last question—was it desirable that the Vicar of Christ should consent to be a political ruler, that the Pontiff should become Prince? Was the union of these two titles in one same person compatible with the holiness of the Gospel? That is the real point at issue.

Calvin—who, be it noted, effectively governed Geneva—refers us to St. Luke: "The kings of the Gentiles lord it over them; and they that have power over them are called beneficent. But you not so; but he that is greater among you, let him become as the younger, and he that is the leader as he that serveth" (xxii. 25-26). By these words, he says, the Saviour makes it understood not only "that the office of a pastor is other than that of a prince, but also that the two offices are so different that they cannot both belong to the same person".2 Clearly, Calvin adds something of his own. In St. Luke where they belong to the story of the Last Supper, in St. Mark (x. 42) and St. Matthew (xx. 25), where they follow the reference to the chalice which the sons of Zebedee are to drink, Jesus' words convey that those who rule in His Kingdom ought to be humble and ready for self-sacrifice, that their authority should be a sendee. They do not say either that the temporal power is necessarily evil or that it cannot be joined to the spiritual power. What would really be contrary to the Gospel—to the *doctrinal* holiness of the Gospel—would be the confusion, the identification, of these two powers;

1 *La réforme grégorienne,* vol. II, pp. 324-350. " We can conclude that Gregory VII exercised a genuine suzerainty over some states, usually solicited by the princes themselves, but that this suzerainty, prior to the proclamation of the sacerdotal government, was in no wise a temporal extension of the spiritual supremacy which the Pope claimed as the successor of the Apostle Peter, and in the name of which he constrained the kings to give an account of their actions *ratione peccati.* For die rest, the number of states which were bound by a feudal convention to the Apostolic Sec in the time of Gregor)· VII . . . was quite small " (ibid., p. 333).

2 *Institutes,* bk. IV, ch. ii.

what would also be contrary to the Gospel—to the *moral* holiness of the Gospel—would be shortcomings liable to impede the just exercise of one or other of these powers—the eclipsing of the life of the Pontiff by the splendour of that of the Prince; but not the conjunction of the two titles in one person.

Such a conjunction has its perils; it should be undertaken only to avoid great evils or obtain great good. But these grave reasons did in fact exist, and if the Pope had accepted the effective protection of the princes it is not difficult to foresee what would have become of the jurisdictional liberty of the Church.

g. THE USE MADE OF THE PRINCELY AUTHORITY

That said, we shall see the Popes availing themselves with varying degrees of prudence, varying degrees of holiness, of the situation—difficult, but not in itselfevil—in which they found themselves. Some, giving all due attention to temporal affairs, fulfilling all the obligations that the good government of their people supposed, could still give their chief care to the things of God, and make use of their political independence for the better exercise of their apostolic jurisdiction. Others, of lesser calibre, allowed themselves to be overwhelmed by temporal preoccupations, granted too much to what should have been no more than a condition favouring their mission, neglected to place the source of their confidence sufficiendy high, and gave way to the intoxication of temporal dominion.

They went so far as to engage in wars that could have been avoided. "A war does not become just," remarked Cajetan, who had seen the reigns of Alexander VI and ofJulius II, "simply because it is the Pope who declares it, for the person who holds the pontifical authority can be led into injustice, ambition, revenge and other faults of the utmost gravity."[1] Christ will judge the Popes. History' tries to do it here and now: but it is not always easy. Probably nobody wants to justify the wars ofJohn XII, but those ofJulius II, which scandalized Erasmus,[2] and provoked the sarcasms of Machiavelli,[3] have found defenders. They were necessary, says Pastor, to secure for the Sec of Peter an independence and respect without which the Pope could not hope to succeed with his vast project for internal reform of the Church, which was bound to make him many enemies; and the same historian considered that without Julius H's work of temporal restoration the Papacy would have been reduced later on to cruel extremities and perhaps forced to go back to the catacombs.[4] "As a matter of fact," Pastor writes a few pages further on, this was a time in which no respect seemed to be paid to anything but material force, and the secular powers were striving on all sides to subjugate the Church to the State. Purely ecclesiastical questions were regarded merely as counters in the game of politics, and the Popes were

[1] *In II-II,* q. 40, a. 2, no. 11.
[3] *In Praise of Folly,* ch. lix.
[3] *The Prince,* ch. xi; *Discourses on Livy,* bk. I, ch. xxvii.
• *History of the Popes,* vol. VI, p. 44g.

obliged to consolidate their temporal possessions in order to secure for themselves a standing ground from which they could defend their spiritual authority."

The consolidation of the temporal power opened the way to several good things such as the victory of Lepanto, which broke the onrush of Islam. But it served also, on the eve of the Reformation, to conceal the spiritual character of the Roman Church from many minds. Schnürer replies to Pastor that it would have been preferable to leave the Papacy to "descend into the catacombs" and that such a humiliation would not have been too dear a price to pay for the unity of the Western Church: "A Papacy working solely for the reform of the Church would never, in any case, have become an object of contempt, as was the case with the Church of Rome, following so many complaints about the worldly life of the Curia. The loss of religious unity was not compensated by the fact that the Papacy stood at the head of the temporal civilization of the period. To minds with a deeper appreciation of religion it was repugnant that the greatness of the Papacy and the Church should be measured by the part they played in the temporal civilization of the West, which only the more fatally absorbed them in the world."1 Yet at the period of the Renaissance the political power was not merely becoming excitedly conscious of its specific difference, it was also losing its simplicity of purpose, allowing itself to be fascinated by the will to power and absolutism, and so becoming more and more difficult to control. And the whole question is this: was it prudent to ask of it the same services as in the Middle Ages, and to glorify the Pontifical States with the height of material magnificence, or had not the day come when the Church, while taking all due care to assure her liberty, should have begun to defend herself more exclusively than before by the arms of the spirit, and to rely more on divine help to safeguard such human things as were indispensable to her life??†0

10. THE THOUGHT OF ST. BERNARD

St. Bernard, though forcibly insisting on the wide gulf between the character of "Pontiff" and that of "Prince", in no wise affirms, as Calvin seeks to do, that they are incompatibles in one and the same person. Less

1 *Kircheund Kultur im MilltlaHoT,* Paderborn, 1930, vol. III, p. 394 (the word 11 Church " is taken by Schnürer in a descriptive, not in a theological, sense). St. Pius V, the Pope of Lepanto, had not the same confidence as Julius II in die forces of the Pontifical State: " The Cardinals, as Cusano wrote, were convinced that if die Pope lived a long time he would get rid of all his troops, and would even do away with the Swiss Guard " (Pastor, *History of the Popes*, vol. XVII, p. 80). He too, however, was forced to act as head of the State. In view of the Turkish peril " the city walls were repaired, the fortification of the Borgo was completed " (ibid., p. 126).

1 " The practical thesis which had for a long time seemed the most important to many men of goodwill was *that things human should protect things divine.* And man is so made that in a sense this is very' true; the importance of human means, even for the propagation of the Gospel and the expansion of the Kingdom of God, ought not to be forgotten. So, then, it is true that human things should protect divine things; but is it die most important truth? Another practical thesis, more important, and one which Christian souls seem to understand more and more to-day, is that *it belongs to things divine to protect things human,* to protect them and to vivify them " (J. Maritain, " Choses divines et choses humaines", in *Questions de conscience,* p. 269).

directly attentive to the principate itself than to the sumptuous style of a princely household, he exhorts the Pope, who ought to give himself to the care of all the Churches, not to allow himself to be corrupted by riches: "However, if thou shouldst happen to possess such earthly riches, use them not according to thy pleasure, but according to the necessities of the time: in this way thou shalt use them as if using them not. It is true that so far as the soul is concerned worldly wealth is neither good nor evil. Nevertheless the use of it is good, and the abuse of it is evil—yet not so evil as anxiety about it, nor so shameful as the pursuit of it. I grant that thou mayst claim gold and silver on some other title, but certainly not as the successor of St. Peter." But if the Pope may be Prince, he is, before all else, Pontiff. As Pontiff he must not lord it over the people like the kings of the Gentiles, but must serve. "And wait thou nevertheless have the temerity either to usurp the apostolic office while holding dominion, or to usurp dominion while holding the apostolic office? Thou art plainly excluded from either one or the other . . . dominion is interdicted, ministration enjoined *[dominatio interdicitur, indicitur ministratio]."*[1] The thought of St. Bernard is clear: it is St. Robert Bellarmine, not Calvin, who sets it out correctly. Elsewhere he reminds the Pope of Peter's example, who did not appear in public adorned with gold and jewels, clothed in silk, mounted on a white palfrey, surrounded by soldiers and followed by a clamorous cortege, but thought himself able none the less to fulfil his mission to feed the sheep of Christ: "In all that belongs to earthly magnificence thou hast succeeded not Peter, but Constantine. However, I would counsel thee to tolerate this pomp and this splendour at least for a time, yet not to desire them as if they were essential to thy state." He adds that if, even in purple and gold, the Pontiff, heir to the first Shepherd, has not rejected the cares of the pastoral office, he will have his part in the glory of the Apostles? Lastly, he exhorts Pope Eugenius to be gentle in governing the Romans: "If thou wilt act in this way, then, even should thine efforts prove fruitless, thou shalt have a sufficient excuse and mayst say to thyself: *Go forth from Hur of the Chaldees* [Gen. xii. 3], and also: To *other cities also I must preach the Kingdom of God* [Luke iv. 43]. And it seems to me thou shalt have no cause to regret such an exile, receiving the universe in exchange for Rome, *orbe pro urbe commutato."* The saint does not contest the Pope's right to be Prince. But when the exercise of this right becomes impossible, he thinks that the Pope should not contest it stubbornly, that he should prefer the world to Rome. As the chief object of his solicitude? Undoubtedly. But as his place of residence? That is a question which will need to be examined.

II. THE LESSON OF THE GOSPEL

"Jesus therefore, when he knew that they would come to take him by force, and make him king, fled again into the mountain, himself alone" (John vi. 15). And here are Pascal's words: "Jesus Christ, without wealth,

[1] *De Coruideratione,* lib. II, cap. vt

[1] Lib. IV, cap. iii.

and without outward show of knowledge, stands in His own order of holiness. He gave us no inventions, He did not reign ... it would have been useless for Our Lord Jesus Christ, in order to assume a splendour in His reign of holiness, to appear as a king; but with what a splendour in His own order has He not come!"

With Him, the Church appeared as in her Head, the Christian form as in its source, the Kingdom of Heaven in its Centre. This Kingdom is incarnate in human realities; it is essentially invested witii sacramental signs and a jurisdictional organization. /\nd yet it transcends all the cultural values with which it coexists—values on which the Gospel too is strangely silent. It seems that Jesus wanted only to emphasise this transcendence when He made use of external tilings. He chose them with a sovereign liberty. All were subject to Him. He could summon angels to His aid, walk on the waters, multiply loaves, wither the fig tree to strike the imagination of His disciples. But He knew likewise when to dispense with the legion of angels, as also with Peter's sword. And when He accepted the aid of visible things or die sendees of men—when He made clay for the blind man's eyes and asked that die pitchers at Cana should be filled with water—it is clear that He did so, not of necessity, but by condescension and in order to call the world of nature, of human workmanship and human culture, to the service of the Kingdom of Heaven. He retired to the mountain and refused to be king for fear that the transcendence of His Kingdom would be overlooked; but one day, mounted on an ass, He welcomed the plaudits of the crowd to its Messiah-King, and did not consider it useless to enter Jerusalem as a king. The sole lesson that He teaches us here, too, is that of the supreme independence with which He uses or dispenses with all tilings.

If the Word chose to become incarnate in simple surroundings, still close to nature, exempt from the complexities of cultural life, it was undoubtedly to make it so much the clearer that the Gospel is addressed to what is essential and eternal in man.[1] But He sends His disciples to the nations, and there they will meet with many problems concerning the relations of the Kingdom of God and human culture. What other law than that of Jesus can they keep before their eyes? They will be anxious before all else to save the transcendence of the Kingdom of God in the face of the whole universe of cultural formations. Given this, they will undoubtedly have to learn, in view of their Master's example, to dispense at times with cultural resources; but they will also have to learn to make use of them, for the disciples are not their Master's equals, and cannot without presumption turn their backs so

[1] " The Son of God Himself, in His human nature, was a simple workman, a carpenter. Peter, who recognized in Christ the Son of God, was very much of an average man with all the usual human weaknesses and faults. It was precisely simple ordinary human nature that was destined to hear the Word, to contemplate the revelation of the divine light. It is worth while to insist on this social clemmtarization of the religious subject, for it has a universal and incalculable scope. It indicates that the way of salvation is accessible to all, that it is no longer the apanage of a few initiates, that the aristocratism of the ancient mystery cults is now abolished " (N. Berdiaeff, " Deux concepts du christianisme", in *Revue de Zofa&u*,* 25^ December 1936).

readily on human prudence.[1] The Vicar of Christ, having a right to the independence of his spiritual jurisdiction, has a duty to act with all justice in achieving it, and consequently to assume or keep the charge of a temporal government just so long as it seems to be the appropriate safeguard of this independence. While such a state of things endures it would be mere cowardice to renounce the responsibility. It can be taken from the Pope by violence, but he will have no right to lay it down of himself—not till the movement of history has so profoundly modified events as to make it, on the whole, unhelpfiil?

12. THE DISAPPEARANCE OF THE OLD STATES OF THE CHURCH

The old States of the Church were destroyed by violence. It was well known that the fate of the Church was not bound up with them, that they were not made for eternity. Though they had done good sen-ice in the past, a day would come when their existence would be ill-suited to the times and no longer desirable. A time was to come when all temporal powers w-ould move further away from the feudal form and from effective monarchy,[3] when authority would find it ever more necessary- to grant civil tolerance to populations becoming more and more mixed from the religious viewpoint, and in general, the political order would become more and more differentiated from.the religious in virtue of a development doubtless unfortunate in the concrete, but representing something good and legitimate in itself. Under such circumstances the duty of governing a civil population would become more onerous, and thus more of an encumbrance to the Pope. Machiavelli, again, was already reproaching the Church for standing in the way of Italian national unity, for it was "never strong enough to occupy the whole of Italy", nor ever "so weak as to be unable to call some prince to its aid who would defend it against anyone who became formidable to the rest of Italy"? It is thus clear that the civil principale of the Popes could not remain for ever what it had been in the Middle Ages. But its form could change. It ought not to have been overturned by force and injustice. These things are doubtless capable of accelerating the course of history, but they arc also capable of stampeding it, and preparing catastrophe for all mankind. As far as Italy is concerned, it might have been hoped that if it became

1 Paul can do so more than the other preachers: " If we have sown unto you spiritual things, is it a great matter that we reap your carnal things? . . . Nevertheless, we have not used this power; but we bear all things, lest we should give any hindrance to the Gospel of Christ " (i Cor. ix. 11-12). The greater die fervour of the whole Church, the more foolish do her prudences and those of her Popes sometimes appear.

3 cf. the dialogue between Pope Pius and the Friar Minor in Claudel's *Père humilié*: "Thus, I have no longer the right to give away what is not mine, what is not Ours, what belongs to all Our predecessors along with Vs, and to all Our successors along with Us, what belongs to the whole Church and the whole world along with Us." And the Friar Minor replies: " Very well, what we cannot give them, let them take . . . Holy Father, the world becomes too exacting, a macliinc that is far too complicated. If you want to work it, you have to become too much its slave . . ."

3 In the etymological sense.

1 Discourses on Licy, I, ch. xii.

evident one day that she had more to lose than to gain by the survival of the Pontifical State, and that hcr temporal destiny was to become a great centralized nation, the Popes, too weak to lead her down this road (a sacred weakness, a fitting reminder of the true destiny of their principate), would not have been the last to understand the fact, and peacefully to propose a system of guarantees of pontifical independence adapted to the new situation.[1]

K. The New Pontifical State

The work of Pius XI was at once traditional and innovating.

I. TRADITION AND INNOVATION

The Pope wished, like his predecessors, to make the pontifical independence secure. And since, up to the present, no one knows of any way of not depending on a prince other than being a prince oneself, he had to claim a genuine territorial principate of his own.

The innovation lay in this. The territorial principate of the Pope had always hitherto involved the civil government of a population. This arrange-

[1] Machiavelli's objection was taken up by Auguste Comte in his *Cours de Philosophic positive,* vol. V, pp. 254-258. According to him, Christianity, far from being able to separate the spiritual from the temporal " with the energy, spontaneity and precision which will certainly characterize the Positive Philosophy in this matter ", can u in no wise dispense, as so many other examples of a vain monotheism have clearly verified, with the continued help of purely political conditions, amongst which especially we may count the need of a certain territorial sovereignty large enough to be self-sufficing . . . and so to offer an assured refuge for the members of this great hierarchy in case of collision with temporal powers which, without this safeguard, would always have held it in too strict a local dependence". Hence undoubtedly there would result inevitable " disadvantages for the Papacy enmeshed in all the cares of a provincial government ", and for Italy a political state always anomalous. " As for Italy, although hcr intellectual and even moral progress has been speeded up by this privilege [that the spiritual head of Europe is an Italian prince], it had to lose its political nationality. For without a total perversion of its own nature the Papacy could not extend its temporal dominion over all Italy, and Europe moreover would have taken joint steps to present it; and yet the Papacy could not, without gravely compromising its indispensable independence, allow any great Italian sovereignty to be formed around its own special territory. The unhappy result of this fundamental conflict. . . has been the political sacrifice of this most precious and interesting part of die European community, agitated as it has been for ten centuries past by fruitless efforts to achieve national unity, necessarily incompatible . . . with die whole political system based on Catholicism." On this we may remark (1) diat the national unity of Italy is compatible not only with Christianity, but even with the ideal of a Christian polity. Comte goes astray in affirming an " essential " solidarity between die existence of the Church and that of the States of the Church, between the fate of Christianity and that of medieval Christendom. The end of a Christendom heralds neither the end of Christianity nor its replacement by the Positive Philosophy. (2) If the old State of the Church was morally necessary it was not because the spirituality of Christianity was deficient, or because it stood in any need of being put to rights by Positive Philosophy; it was solely because it appeared, at this moment of die cultural evolution of the West, as the best way to guarantee the Sovereign Pontiff the civil principate which was his right. (3) For Italy, it can be said that the situation in which she found herself served on the one hand to hasten hcr intellectual and moral progress, and, on the other, to retard the formation of her national unity. Did she, on the whole, lose or gain by remaining longer under the feudal regime? It is a matter of historical judgment. But die historian who wishes to make one in this connection ought to ask himself what would have become of Italy in face of the barbarians and then of Islam, if the seat of the Papacy had been elsewhere, say in England.

ment, good and just in the past, would be unsuitable to-day, and Pius XI avoided it. "People do not sufficiently reflect perhaps on how troublesome and dangerous it would be—We speak of the situation to-day—to unite the civil administration of a population, no matter how small, to the universal government of the Church. The smallness of the territory guarantees Us against all inconvenience of this kind."[1] The objections of Machiavelli and Comte have lost their point. Soloviev's wish (and Moehler's) for a Papacy shorn of all strictly political cares, more exclusively devoted to the spiritual, offering no pretext for the common misunderstandings of dissidents, has been fulfilled.

The splendours of the Vatican City are not political. They are of the purely cultural order, belonging to the domain of art and science: a park, some palaces, "Bernini's colonnade, Michaclangelo's cupola, the treasures of science and art in the archives, libraries, museums and galleries of the Vatican". They are still more spiritual than that: the Vatican City guards the relics of the first martyrs and enshrines the memory of the Prince of the Apostles.

2. SPIRITUALIZATION OF THE PONTIFICAL STATE

One thing is clear. The whole effort of the Pope has been to spiritualize as far as may be the little Vatican City. It is not saddled with the laws that commonly rule other cities. It is relieved of all tasks too cumbrous and too worldly. It is, as it were, lifted out of the temporal plane, attracted to the spiritual, drawn into the life and gravitational sphere of the Church herself. It is, in a new sense, a State of the Church.

The Pope's declarations arc clear enough: "So then, a minimum of territory, enough for the exercise of sovereignty; the needful territory without which it could not subsist because it would have nothing to stand on. We seem to see things as they were to be seen in the person of St. Francis; he had just enough body to keep his soul united with it. Thus it was with other saints: the body reduced to what is strictly necessary to serve the soul, to support human life, and, with life, beneficent action. It will be evident to all, We hope, that the Sovereign Pontiff will have just that material territory indispensable for the exercise of the spiritual power entrusted to men for the benefit of men. We do not hesitate to say that We rejoice in this state of things. We are glad to sec the material domain reduced to such narrow limits that one can speak of it and consider it as *spiritualized by the immeasurable and truly divine spirituality which it is destined to sustain and serve."*[2]

In a word, the civil principate of the Holy Sec, instead of functioning as an autonomous principal cause as formerly, charged with the task of first of all assuring the temporal welfare of a people and of guaranteeing the pontifical independence over and above, would tend now to function rather as a pure instrument of the spiritual.

[1] A.A.S., 1929, p. 10g.
[1] ibid. 1929, p. 108. (My italics.)

The very idea of a holy war, in its most urgent form at least, is henceforth eliminated.

3. A REVERSAL OF ROLES

One consequence of this transformation of the Pontifical City is that henceforth the civil principate will take no further responsibility for the use of harsh temporal means, and will never draw the sword. Italy will protect the person of the Sovereign Pontiff.[1] She undertakes to punish delinquencies committed on Vatican territory.[2]

From the moment when the Popes, desirous of safeguarding their spiritual independence, became the temporal governors of a city, they could have recourse to the sword and take up arms in a just war. They are now quit of this grave responsibility. The new civil principate is a principate without an army.

The material weakness of the Vatican City is therefore evident. What does it matter? The old States of the Church, very much stronger as they were, were not spared for all that. The Pope noted the fact with a certain sadness: "What guarantees can be hoped for, even from a temporal power as large as that which formerly figured on the political map of Europe? We have seen what the Powers have done, or rather did not do, what they did not wish to do or rather could not do, to prevent its fall. They could hardly have acted otherwise. But if such be—and it is—the perpetual condition and history of human things, how could We seek assured defenders against the perils of the future?"[3]

However, from the fact that the Vatican City tends to become, as we have said, a pure instrument of the spiritual, its moral guarantees arc strengthened. The *Osservatore Romano* remarked in an article that appeared on the very day of the signature of tlie treaty:[4] "In the little consecrated city the temporal sovereignty of the Holy Father is so thoroughly identified with his religious sovereignty, his State is so thoroughly identified with the very foundations of his Chair, that no violation will be able to hide behind a screen of political pretexts and sophisms in order to justify itself in equity and before civilization. To carry out a spoliation they would have to affront the verdict of the world and of history with that same sacrilegious audacity which appeared in the insult of Anagni, the deportation of Pius VI

1 " .Art. 8: Italy, considering as sacred and inviolable the person of the Sovereign Pontiff, declares that any attempt against him, or provocation of such attempt, shall he punishable with die same penalties as arc prescribed for any attempt or provocation of attempt against die person of the King. Public offences and injuries committed on Italian territory against the person of the Sovereign Pontiff by speeches, acts or writings, arc to be punished like similar offences and injuries against the person of the King " (A.A.S., 1929, p. 213).

2 " Art. 22: At the request of the Holy Sec and by a delegation given either in each case or permanently, Italy will see to the punishment on her own territory' of crimes committed in the Vatican City; but when the author of the crime takes refuge on Italian territory he will be proceeded against under Italian law without any other formality " (ibid., p. 219).

2 ibid., 1929, p. 107.

4 12th February 1929. cf. *Doc. cath.f* 1929, col. 461.

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and the abduction of Pius VII. They would have to proclaim openly and defiantly that the aim of the attack was not to safeguard—as has been said a thousand times with . . . pious solicitude—the purity of the spiritual government by striking only at the temporal power, but to rob the Pontiff and the Pastor of this minimum of human and material support which cannot here below and amongst men be separated from the things of the spirit. Thus would be established beyond the reach of sophistry what Leo XIII repeated in his Discourse of the 7th October 1883: 'The true purpose of the sectaries was to strike at the Church and its head

Is the civil principatc still there to protect the spiritual and apostolic principale of the Vicar of Christ? Or do we witness a kind of reversal of the rôles, and is it not to-day, more clearly than in the past, the spiritual and apostolic principale that protects the civil principale, the universal Church that safeguards the Vatican City? On the Kingdom that is not of dûs world and docs not defend itself by arms depends another little kingdom, also renouncing armed defence; a little kingdom which in itself and materially is nevertheless of this world. The Pope is at the head of both. As head of the first he is unable, and as head of the second he does not wish, to put his trust in military power at the dawn of the new age. But he retains a sufficient independence for all that, and sustains the Church throughout the world.

L. Roman Pomp

What we have said of the civil principale of the Pope, throws light on the question of the pomp of the Roman court. Pomp was obligatory on royal courts: "In all this thou hast succeeded, not Peter, but Constantine,' said St. Bernard to Pope Eugenius; "however, I would counsel thee to tolerate this splendour for a time and yet not regard it as indispensable." Like other princely trappings it could be justified in an organic, artistic, qualitative civilization, inclined to outward expression of its hierarchic structure. It gave rise to some abuses. They were tolerated, even favoured, by worldly Popes and Cardinals: they were condemned by other Popes and Cardinals. A rule of life is not to be found in the conduct of *all* the Popes; rather, in the teaching of all the Popes and in the conduct of all the saints, in the teaching of the Church which does not canonize all the Popes, but which has never ceased to magnify and canonize the poor, the humble, the magnanimous, and to inscribe the three vows in the constitutions of the religious orders. And even in the days of the Renaissance this teaching never failed to reach the people.

What has become to-day of this Roman pomp, so much emphasised among Protestant sects and in Communist gatherings? *Altum dominium* over the Basilica of St. Peter, the palaces and museums of the Vatican, property with privilege of extra-territoriality of three patriarchal Basilicas and of the gardens of Castel-Gandolfo; the administration of a civil personnel, the ceremonies of the protocol, the Swiss Guard, the gay uniforms, all these

"riches" which, because they preserve, as Benson remarked at the beginning of his *Lord of the World,* a human, qualitative, archaic character, are very conspicuous in a drab and standardized world, have become to-day much more than the Pope's court; they constitute the very substance of his humble and pacific temporal kingdom. They embody and symbolise in our eyes the apostolic sovereignty of the Vicar of Christ as among governments in general, his inalienable right to international political independence, and, in a word, the absolute freedom of the spiritual with respect to the whole political order. Over and above this they witness to the influence of the Church in the field of temporal culture: "In the magnificence of Julius II and Leo X there was much more than a noble love of glory and beauty; with whatever concomitance of vanity there passed over it a pure ray of the Spirit which has never failed the Church."[1] Christians, who know the worth of simple temporal realities, of perishable things entrusted to them as stewards and for which they do not forget that they will one day have to give an account, certainly know how to estimate the importance of the little Vatican City. They know, however, and even better, that not even the whole sum of its constituents, taken in itself and materially, touches on the essence of the Kingdom of God.

8. CONCLUSION: THE MANIFESTATION OF THE ROMAN PRIMACY

At the conclusion of this study of the spiritual power of the Sovereign Pontiff, I should like to say a word on a matter which seems at first sight to contain a paradox. The Primacy of Peter in the Church is so clearly expressed in Scripture that it seems that all would be bound to acknowledge it at once. Yet, in certain undeniable aspects which historians are not slow to emphasise, it appears to have been an achievement effected by time.

A. The Primacy in Peter's Mind, in that of the Roman See, and in that of the Rest of the Church

Peter, who had heard Christ's words at Caesarea Philippi and at the Lake of Tiberias, and who had seen their meaning unfolded in the illumination of Pentecost, could have had no uncertainty about the extraordinary power committed to him. As founders of the Church, the Apostles saw the whole content of the revelation with a privileged clarity, and in a deeper and more searching manner than the Church on earth would ever know it. Peter therefore realized the *elevation* of his privilege better than we can do even after the Vatican Council. For an indication of this we may turn to the assured authority with which he begins to act on the day of Pentecost itself. The *exercise* of this privilege however could take on manifold forms. How these \would succeed each other in the concrete course of history was

[1] J. Maritain, *Art and Scholasticism,* London 1930, p. 81.

something that neither Peter himself nor, *a fortiori,* the infant Church could foresee; for the history' of the Church was a daily creation, not a programme drawn up in advance.

Now it happened for several widely different reasons that the exercise of the jurisdictional primacy was to a certain extent impeded during the first Christian centuries, never indeed to such a point as to leave the Roman Sec without a clear consciousness of its rights, nor without witnesses to those rights in the rest of the Christian world, but sufficiently to prevent its influence, veiled in certain regions and reduced to a minimum, from being fully displayed to men, even men of great perspicacity and indeed sanctity. As these obstacles to its full exercise disappeared from the field of the Church herself, the jurisdictional primacy could begin to show its true nature and so prepare the mass of the faithful for a deeper and more explicit grasp of the meaning of the promises made to Peter.

B. The Manifestation of the Primacy, at the Outset, Partial and Limited

We have seen that, although Peter alone had the power to rule the universal Church, the other Apostles had, equally with him but in an extraordinary- way, the power to found local Churches. On one point therefore they were his equals, and his right could seem to be limited and neutralized by theirs. That explains not only w'hy St. Paul could act with so great a freedom, but also why the jurisdictional primacy, which rested first with Peter and was handed on to his successors in the Chair of Rome, was unable to bring all its virtualities to bear at the outset. It was only after the death of the Apostles that it could begin to express itself fully.

C. Disconformity Produced in the East When the Extraordinary Apostolate Passed into the Ordinary Pontificate

How did things in fact turn out?

Rome, once more, could not be unaware of the privilege she had inherited from Peter. But in the Churches that lay beyond her immediate influence there appears, after the death of the Apostles, a certain lack of co-ordination. The whole life, the whole immediate unity of each of these Churches, wras gathered instinctively round the bishop whose authority therefore stood out clearly, as the letters of St. Ignatius witness, and, later, those of St. Cyprian. This instinct was cf course right and infallible. But howr then would the unity of the universal Church be underst The insight here was less penetrating. Everything seemed at times to happen as if it wrere believed that the bishops, being successors of the Apostles, had only to be in agreement with each other to create by their intercommunion, and dispense to the universal Church, the holy unity which was assured her by the Apostles themselves as long as they lived. There precisely lay the loophole for

illusion. For the Apostles had received, besides the simple episcopal jurisdiction, an extraordinary power of government which was not to be continued in the bishops their successors, but which, after their decease, would leave full scope to the jurisdictional primacy of Peter and his successors. It was not possible to pass from the government of Apostles to that of the bishops without stepping down to another level ; and the thing d stined by providence to restore the equilibrium needed for the life and unity of the great Church, was precisely the full exercise of the Roman primacy. Rome never forgot this truth; but it might perhaps be said that she wished the Churches less immediately under her dependence to have time enough to rediscover its divine importance by experience.1

D. Three Simultaneous Canonical Reglmes in the .Church of the Early Centuries

In studying the conditions under which the Roman primacy was exercised during the first centuries, Mgr. Batiflbl was led to map out three distinct zones.2

The first consisted in ancient times of Italy and, from the second half of the fourth century, of the *regiones* or *ecclesiae suburbicariae*, the Churches lying close to the city of Rome. "None of the provinces of these *regiones suburbicariae* had any metropolitan or provincial council. The Bishop of Rome was their Metropolitan and had an immediate and quasi-monarchical authority over them. He ordained their bishops, and at need he judged and deposed them; he supervised and admonished them; he held them in an affectionate but close subjection. He is the vigilant maintainer among them of ecclesiastical law and the liturgical tradition; and, of course, of the Catholic faith."3

The second zone was properly the West beyond the *regiones suburbicariae.* "Whether the Churches of the West and of Africa were or were not daughter Churches of the Roman Church, the Bishop of Rome was held by them to be invested with a primacy deriving from the fact that his See was the *Cathedra Petri.* He is the bishop who notifies the date of Easter by annual letters to

1 In this sense Moehler was therefore right in maintaining that tlie Roman primacy could not be brought fully into view during the first Christian centuries. But he adopts a far too rudimentary explanation of the situation when he represents the primacy " as the personified reflection of the unity of the whole Church ", He sees it as willed no doubt by God, but created by the need for unity in the believers—as though the universal unity of the believers had to be historically realized before it could condense itself, as it were, in the person of the Sovereign Pontiff (cf. ***Du Einheit in der Kirche,*** pt. ii, ch. iv, §67, p. 250). But: (1) The Roman Primacy has given more to the unity of the Church than it has received. (2) If the East failed to see it clearly, Rome has always explicitly asserted it. (3) Above all, the primacy of the Sovereign Pontiff is an expression of the unity of the Holy Spirit and of the unity of Christ, ***before*** being an expression of the unity of the Church; the Pope is, properly speaking, die λ icar of Christ and not of the Church; the Christ-given privilege of Peter, which is that of the Pope, is represented to us in Scripture much more as a source of the unity of the Church than as its effect.

1 " Les trois zones de la ' potestas ' papale," in ***Cathedra Petri, Etudes d'Histoire ancienne de PÊglist,*** Paris 1938, p. 41.

3 ibid., p. 46.

all die bishops of the West and of Africa. He is the Bishop with whom all the other bishops take care to be in communion, so as to be assured of communion with each other: a fact which makes him the centre, and also on occasion the arbiter, of Catholic unity in the West, since intercommunion implies community offaitli. He is the Bishop by whom the other bishops are guided in matters of discipline, not at times indeed without resistance, as witness the attitude of St. Cyprian in the baptismal controversy. He is the Bishop to whom bishops condemned by their fellow-provincials appeal, although these latter do not always bow to the sentence pronounced, as witness the attitude of Bishop Felix of Saragossa and of his colleagues. He is the Bishop to whom recourse is had to procure the excommunication and deposition of a bishop of so important a town as Arles."[1]

The third zone was the East. "It was a notably more elastic regime than that which Rome consented to in the West, or imposed on the *ecclesiae suburbicariae.* But why? It was enough for Rome that, orthodoxy being safe, communion was preserved. The East did not want the subjection which Rome had brought the West to accept, and Rome respected this repugnance. I believe that the East had an insufficient realization of the Roman primacy. The East did not see in it what Rome saw, and what the West saw along with Rome, that is to say a continuation of the primacy of St. Peter. The Bishop of Rome was something more than Peter's successor in his *cathedra,* he was Peter perpetuated, he was invested with Peter's responsibility and Peter's power. The East had never understood this perpetuity. It was unknown to St. Basil, as also to St. Gregory of Nazianzen and St. Chrysostom. The authority of the Bishop of Rome was an authority' of the first order, but we do not see that for the East it was an authority of divine right. What a pity that a point so fundamental had not been settled in full discussion and by an oecumenical council during the centuries in which the union still subsisted! "[2]

Here Batiffol adds an important remark: "In the matter of her autonomy the East granted more to Rome in actual fact than she conceded in theory."[3] Six years later, when he once more took up the examination of the conditions under which the Roman primacy was exercised, he recalls that from the first it was felt in the East. "The *Catholica* of the second and third centuries reveals the characteristics of the essential and primitive Catholicism, and this Catholicism is more Roman than it was to be in the Constantinian period or in the century of Justinian."[1] But two things that happened at that period contributed to the slackening of the bonds attaching the East to Rome. First, the peace of Constantine "introduced a new and alien clement into the life of the *Catholica,* namely the Christian prince. It was a protection, certainly, but also a tutelage; and it was the tutelage of a

[1] ibid., p. 5|.. The baptismal controversy involved a point of faith. This was not so in the case of Felix of Saragossa. He had accused two of his colleagues of being guilty of idolatry during the persecution.

[2] Batiffol, u La ' potestas ' papale et VOrient **, op. cit., p. 75.

[3] ibid., p. 76.

[4] Batiffol, " Le siège de Rome et l'Orient ", op. cit., p. 205.

sovereignty that had no limit but its own discretion . . . Constantine did not favour the primacy of the Roman Church; the Emperor Constantius II, his son, at the time of Pope Liberius, favoured it still less. He maltreated it, he humiliated it, he would have gladly compromised it, had not Providence been on the watch. The Emperor Theodosius and the Council of Constantinople of 381 restored the Nicene faith in the East, but at this date the East re-established its own orthodoxy by its own means, and, as we may say, without asking anything from Rome. It needed the Council of Ephesus, and the Council of Chalcedon, to restore to the Roman Church that rôle in the East which was hers in causes concerning the faith; that is to say the rule that nothing was to be done without her, and that the Prince is not the arbiter of controversies."[1] Furthermore—and this is the second fact—the Churches, which had begun to group themselves spontaneously around their Metropolitans, arranged themselves in ecclesiastical provinces that coincided with the imperial provinces, and ended, by analogy with the great civil dioceses, by constituting the patriarchates. "In sum, from the fourth to the sixth centuries a *Kirchenrecht* was elaborated and established in the East, a work of the Councils and the Emperors, a *Kirchenrecht* which Eastern Catholicism was of course free to set up, and which the Popes did not reject, save as regards the pretensions of the See of Constantinople in so far as they challenged the primacy of the Roman Church."[2] However, two series of facts, already pointed out above, continued, even in the East, to witness to the exceptional authority of the Roman Church in deciding questions of faith and communion.

E. The Roman Primacy not Exclusive of a Canonical Pluralism, Simultaneous or Successive, and Able to Bear With Imperfect Solutions*

The historical view I have just resumed may serve to illustrate and even support two important considerations of a practical character.

The first is that a general recognition of the Roman primacy and of its normal exercise is in no wise incompatible with the existence in the Church of a plurality of canonical or ecclesiastical regimes, profoundly different from each other on account of difference of country or epoch. It would be a grave error to think that acceptance of the primacy in a given area or a given time would necessarily bring with it the imposition of a uniform ecclesiastical law and liturgy. The Sovereign Pontiffs, on the contrary, have never ceased to remind us that the legitimate rites and customs of the East are quite at home in the great Church, which is Catholic, and not Latin.

The second observation is that even if certain of these canonical regimes might not be wholly favourable to the *exercise* of the Roman primacy, yet—provided that they recognized the *principle* of the primacy, its authority to determine the rule of faith and the order of ecclesiastical communion—they

[1] ibid., p. 205. [2] ibid., p. 207.

would not necessarily be condemned. They might well be tolerated for centuries. Rome will be careful not to quench the smoking flax. If for example, the East had remained in union with her she would never have dreamed of imposing a canonical regime such as that of the suburbicarian regions, or even one like that which obtained in the rest of the West. Even to-day the Code of Canon Law directly envisages only the Latin Church.[1] Rather than make demands which, being premature, might well have seemed too exacting, she would even have had the patience to wait until the East should rediscover the right road for herself and without any prompting. So that by the time the Vatican proclamation of the privileges of the Sovereign Pontiff was made, it would have been evident to the Orientals themselves that the fullest confession of the Roman primacy brought with it no interference with their legitimate liberties.

F. The Vatican Proclamation, Hastened by the Schism, an Illumination of the Gospel

What a pity, wrote Batiffol, that a point so fundamental as that of the Roman primacy was not settled by an Oecumenical Council while the union still subsisted! The schism had to come into being before circumstances allowed the East to reach full awareness of the supreme visible principle maintaining the unity of the *Catholica* in this world, the principle by which the East had doubtless lived without penetrating it as deeply as might have been wished. Twice over, at Lyons in 1274 and at Florence in 1439, it seemed for a moment that the rift was about to be closed and that the spiritual unity of the Christian world would be re-knit under the pressure of the great political threats that hung over the East. These hopes were, however, soon extinguished. And since the revealed truth has to be unfolded none the less, since from the treasures of the Gospel things new and old must constantly be drawn, it was in the absence of the Gracco-Russian Churches that the Roman Primacy was solemnly defined at the Vatican Council by a Church which schism had reduced and purified, and which no longer had to take account of the scruples and oppositions of an East unhappily turned dissident.

When, in the full light of the Council, we re-read the great scriptural texts that witness to the privilege of Peter, and compare their mystery with that other and deeper one of the Incarnation, of which it appears as a consequence, we can give them at last their full significance; and cannot fail to be struck by their probative force.

G. The Pope Greater Jurisdictionally, the Church Greater Absolutely

"What arc we concerned with," asks Bellarmine, in the preface to his *De Romano Pontifice,* "when we speak of the primacy' of the Roman Pontiff?

I reply in a word : with the sum and substance of Christianity. We are asking whether the Church should continue to live, or whether she is to dissolve and disappear. Wc are asking whether the foundation should be separated from the building, the shepherd from the flock . . ."

Cajetan had already said, with his unerring instinct, that the whole jurisdictional power of the Church is gathered up, as in its principle, into the power of the Pope. But, he adds at once, the power of the Pope is for the service of the Church. The Pope is greater than the rest of the Church *jurisdictionally;* but *absolutely* it is the Church that is the greater. "The Church is greater than the Pope, as the end is greater than the means, because better."[1]

EXCURSUS VII

THE PRIMACY OF PETER IN THE GOSPEL

The Gospel texts are clear, but they teach too great a mystery to allow us to hope that they will ever cease to be contested. Men will quarrel over the primacy of Peter, as they quarrel over the divinity of Jesus and the existence of God. Not that these truths are doubtful in themselves, for they leap to die eye, but because the hearts and minds of men are obdurate and full of shadows. "The living truths of religion" said Soloviev in this connection, "do not compel the reason in the manner of geometrical theorems. Moreover it would be unsafe to assert that even the truths of mathematics arc unanimously accepted by everyone for the sole reason of their intrinsic proof; they meet with general acceptance because no one is concerned to reject them. I am not so simple as to hope to convince those who are influenced by other motives more powerful than the search for religious truth. In setting out the general proofs of the permanent primacy of Peter as the foundation of the universal Church, my only aim has been to assist the intellectual task of those who deny this truth, not from personal or emotional reasons, but from unconscious error and inherited prejudice" *(Russia and the Universal Church,* p. 108).

(1) In his book *Saini Pierre et les origines de la primauté romaine,* Mgr. Besson sums up the present state of the controversy on the *Tu es Petrus*·. "Some declare it interpolated. It is the quickest way to get rid of an awkward witness. They' note that the *Tu es Petrus* is found in St. Matthew alone, not in St. Luke, nor in St. Mark; as if every text, to be authentic, must figure in all three Evangelists. They claim that the authors of the second century knew nothing of it, and that up to the fourth century it is cited with variants. These difficulties, hatched in modern times, have been carefully examined by serious authors and disposed of one after the other. Let it be enough to say that in the third century more than twenty citations of the *Tu es Petrus* have been mentioned, without the least discordant note, at Rome, in Africa, at Alexandria, at Caesarea—that is to say in those Western and Eastern Churches of which we have the most detailed information. Better still, some allusions to the same text and one certain citation have been

[1] *Apologia de Comparata Auctoritate Papae el Concilii,* cap. viii. Joseph de Maistre was justified in saying that Christianity rests wholly on the Sovereign Pontiff *(Dupape,* "Discours préliminaire"), and citing Bellarmine. But when he writes " The Pope and the Church are all one " *(tout un),* the formula is not theologically happy. That of St. Ambrose *("Ubi Petrus, ibi Ecclesia")* has a surer touch.

discovered in second century writings, amongst others in the Gospel concordance edited towards 170 by Tatian under the tide of *Diatessaron.* Since on the other hand the *Tu es Petrus* occurs in all the MSS. of the Gospel according to St. Matthew, we have really no reason to doubt its authenticity" (p. 32). Those who are not prepared to reject so well accredited a text fall back on distortion of its meaning. Their exegesis is fairly evaluated by Loisy, who prefers to reject the authenticity: "It is truly not necessary to prove that Jesus' words are addressed to Simon, son of John, who was to be, and has been, the foundation stone of die Church, and that they do not exclusively concern Simon's faith, or all those who might have the same faith ; still less can the rock, here, be Christ Himself. Such interpretations were proposed by the ancient commentators who had the moral application of the text in view, and Protestant exegesis has turned them to polemical account; but if they are put forward as containing the historical sense of the Gospel they are simply subdeties that do violence to the text" *{Les Évangiles synoptiques,* vol. II, p. 7; cited in the above-named work, p. 33).1

(2) As to the *Pasce ovas meas,* it is found in St.John in that chapter xxi which certain critics consider as an appendix, because a little epilogue (xx. 30 and 31) seems to separate it from the body of the Gospel. Appendix it may be, but it was certainly written by John himself, as language, manner and thought attest. Pcre Lagrange says "this hypothesis of an appendix, even coming from die same author, seems to us to be neither plausible nor necessary. It is not suggested by the nature of chapter xxi, which does not go back on what precedes . . . It is not necessary', since there is another and much simpler hypothesis removing all pretext for regarding xxi as an appendix; and this is to suppose that the epilogue (xx. 30 and 31) is not in its proper place". Λ displacement of this litde epilogue, which should appear at the end of the book after xxi. 1-23, appears to be "very likely' when we note the perfect cohesion of xxi. 1--23 with what precedes" (J.-M. Lagrange, O.P., *Évangile selon saint Jean,* 1925, p. 520). Or we can consider (St. Thomas) chapter xxi as forming, along with xx. 30 and 31, the epilogue of the whole Gospel. In any case there is but one author. Furthermore, chapter xxi is a climax: the Gospel "culminates with the foundation of the Church and the appointment of its head ". But, adds Père Lagrange, "is not that the very thing that so much irks the Protestant mind?" (ibid., p. 521).

(3) What the Catholic Church still reads after two thousand years in these two great Gospel texts may be put into four propositions ; (1) Jesus addresses Peter himself (2} to confer on him the pontificate (spiritual jurisdiction) over the whole Church, (3) which pontificate is to pass to his successors, (4) who are the Roman Pontiffs.

The first two points contain no more than the literal, explicit and direct sense of the Gospel. (Let us leave aside the secondary' senses and the spiritual senses which the Fathers so often delight in, and which some Protestant exegesis has for its own reasons long attempted, vainly, to substitute for the direct literal sense. On these patristic interpretations see Mgr. Besson, *Saint Pierre et les origines de la primauté romaine,* p. 34.)

Thou art Peter [Kîphâ, Cephas] *and on this rock* [Kipha, Cephas] ***I** will build my Church,* "cannot be understood save of building the Church on this man Peter (Cephas), otherwise the whole point of the phrase disappears. Jesus was called the corner stone (1 Pet. ii. 4-8; Eph. ii. 20), but He could not be indicating Himself here: it would have been rather like a bad joke, if we may

1 For the views of Herr Oscar Culknann, see p. 47g.

venture to say so: Thou art Peter, but it is on quite another Peter that I am going to build ! McNcilc tries to return indirectly to this superannuated Protestant interpretation by making out the Rock to be Peter's faith in the Messiahship of the Lord. It was indeed Peter's faith that introduced the promise, but the promise is given to the person whose faith has just been displayed. If the building is a group, the foundation is their head: Jesus, says St. Chrysostom, exalts Peter's declaration, He made him pastor (P.G. LVIH, col. 534). The position of Peter in the Church is that of the rock on which the building is erected; thanks to this foundation the building will stand firm; thanks to this head the community will be well ruled" (M.-J. Lagrange, *Évangile selon saint Matthieu,* 1923, p. 324).

I will give unto thee the keys of the kingdom of heaven. "Far from being a mere repetition of what precedes, this verse explains in clearer terms the part to be played by Peter as foundation - - - At first sight Peter figures as the door-keeper who opens and shuts . . . But this restricted office, being special, docs not suffice for him who is the foundation, and we shall soon see that he is to carry out his duties inside the kingdom. The gift of the keys is therefore an investiture with power over the whole house; the Master keeps His sovereign power but delegates its exercise to the steward. *I will lay the key of the house of David upon his shoulder ; and he shall open and none shall shut, and he shall shut and none shall open . . . And they shall hang upon him all the glory of his father's house.* This passage (Isa. xxii. 22 and 24) is applied in the Apocaly-pse (iii. 7) to Jesus Himself. Jesus is the foundation, and Peter is the foundation, Jesus has the key of David, and Peter has the keys: Peter's authority is therefore that of Jesus. The measures he will take upon earth as faithful steward, will be ratified in heaven, that is to say by God" (ibid., p. 328).

Whatsoever thou shalt bind on earth shall be bound in heaven. These words must be taken in a sense "comprising all the applications suitable to the power of a steward" (ibid., p. 329). Later on Jesus entrusts the power of binding and loosing to all the Apostles: "Whatsoever you shall bind on earth shall be bound in heaven . . . (Matt, xviii. 18). But "this in no wise revoked the power bestowed on Peter as the principal steward of the house; its purpose was rather to associate them with him who bears the keys" (ibid., p. 355).

For in St. John Peter will be put in charge of all the sheep without distinction: "Peter is henceforth the shepherd of the flock in place of Christ who is visible no longer, having ascended to His Father. The Apostles have received their mission and the power to remit or retain sins (xx. 23); they too then can be called shepherds with respect to the others. But in comparison with the first shepherd they fall back into the flock; they are not even named apart as occupying an intermediate rank, for *lambs* and *sheep* are here synonymous" (J--M. Lagrange, *Évangile selon saint Jean,* p. 529). In conferring on Peter the supreme authority Jesus admonishes him that its use is to be governed by love; he is to *feed,* not to oppress; and to feed *sheep,* not goats or wolves; sheep that belong to Him, that are *His.* Peter's care for them is to reflect that of Jesus. If he fails Jesus will judge him; wc arc not, for all that, dispensed from obeying him, unless indeed some-thing manifestly immoral should be commanded—a thing which, as wc have seen, will be possible only in the sphere of particular decisions.

That suffices for the first two points. The third, affirming that the primacy of Peter will pass to his successors, is also evident. The Church, according to the Gospel, needs the power of Peter as the house needs a foundation, the household

a steward, the flock a shepherd. If then the Church is immortal, the power of Peter is immortal. So true is this that a good number of those who deny the perpetuity of Peter's power, have come to deny that of die Church, to sacrifice the Gospel texts diat concern her, and to assert that Jesus believed in the imminent end of the world, and so never had any idea of founding a Church at all. "It cannot be said" writes St. Thomas Aquinas of the power of the key's, "that though He conferred this dignity on Peter, it does not pass from him to others. For it is evident that Christ so instituted His Church that it would endure to the end of die world according to Isaias Lx. 7: *He shall sit upon the throne of David, and upon his kingdom to establish it, and strengthen it with judgment and with justice, from henceforth and for ever.* Hence it is evident that those He appointed to the ministry then and there, were, for the good of the Church, to communicate their powers to their successors until the end of time: especially' since He says [Matt, xxviii. 20]: *Behold, I am with you all days, even to the consummation of the world" (IV Con. Gen.,* Ixxvi).

On the fourth point, affirming that the successors of Peter are the Roman Pontiffs, it will be sufficient to quote a simple and powerful passage from Soloviev: "The perfect circle of the one universal Church requires a unique centre, not so much for its perfection as for its very existence. The Church upon earth, called to gather in the multitude of the nations, must, if she is to remain an active society, possess a definite universal authority' to set against national divisions; if she is to enter the current of history and undergo continual change and adaptation in her external circumstances and relationships and yet preserve her identity, she requires an authority essentially conservative but nevertheless active, fundamentally unchangeable though outwardly adaptable; and finally, if she is set amidst the frailty of man to assert herself in reaction against all the powers of evil, she must be equipped with an absolutely firm and impregnable foundation, stronger than the gates of hell. Now we know on the one hand that Christ foresaw the necessity of such an ecclesiastical monarchy and therefore conferred on a single individual supreme and undivided authority over His Church; and on the other hand we see that of all the ecclesiastical powers in the Christian world there is only one which perpetually and unchangingly' preserves its central and universal character and at the same time is specially connected by an ancient and widespread tradition with him to whom Christ said: *Thou art Peter and upon this rock I will build my Church, and the gates of hell shall not prevail against it.* Christ's words could not remain without their effect in Christian history*; and the principal phenomenon in Christian history' must have an adequate cause in the word of God. Where then have Christ's words to Peter produced a corresponding effect except in the Chair of Peter? Where does the Chair find an adequate cause except in the promise made to Peter?" *(Russia and the Universal Church,* p. 107).

Those who consider the Roman Church to be the Beast of the Apocalypse, and the Pope as Antichrist, find their answer in Newman. Giving an account of his intellectual attitude towards 1839, he explains how, from his Protestant infancy, this persuasion had remained as a stain on his imagination: "As regards my reason," he continues, I began in 1833 to form theories on the subject, which tended to obliterate it; yet by 1838 I had got no further than to consider Antichrist as not the Church of Rome, but the spirit of the old pagan city, the fourth monster of Daniel, which was still alive, and which had corrupted the Church which was planted there. Soon after this indeed, and before my attention was

directed to the Monophysite controversy, I underwent a great change of opinion. I saw that, from the nature of the case, the true Vicar of Christ must ever to the world seem like Antichrist, and be stigmatized as such, because a resemblance must ever exist between an original and a forgery; and thus the fact of such a calumny was almost one of the notes of the Church" *{Apologia Pro Vila Sua,* ch. iii).

A further precision should be made at this point. The Church can be founded, in the sense of that word when applied to a workman's laying the foundations of a building. That is to say, episodically, or in so far as concerns her historical appearance. The workman may die but the building remains; his rôle as founder is one that cannot be handed on. Or again, the Church can be said to be founded in the sense in which that word is used of a rock or the foundations themselves, on which the weight of the building rests—that is to say, structurally and under the aspect of her permanence into the present. All the Apostles founded the Church in the first sense—and it is in this that tire apostolic privilege, common to the Apostles as such, consists. Peter alone founded the Church, in the second sense; hence his privilege as the shepherd of Christ's sheep, his "trans-apostolic" privilege.

In his recent work, *Petrus, Jiinger, Aposlei, Martyrer : Das historische und das theologische Pelrusproblem* (Zwingli-Verlag, Zurich 1952), Herr Oscar Cullmann has made an attempt to explain away the " trans-apostolic" privilege, transmissible and permanent, proper to Peter alone, in terms of the intransmissible and temporary apostolic privilege common to all the Apostles. His whole exegesis is dominated by this preoccupation, especially when he is dealing with Matt. xvi. 18-19, where it leads him to separate the odd verses as opposed to linking them up. On this subject see my own book *Primauté de Pierre dans la perspective protestante et dans la perspective catholique,* Paris, Editions Alsatia, 1953.

EXCURSUS VIII

ELECTION OF A POPE

During a vacancy of the Apostolic See the Church, as far as the supreme jurisdiction is concerned, possesses only the power of proceeding to tire election of a new Pope; either through the cardinals, or, in default of them, by other ways: "Papatus, secluso papa, non est in Ecclesia nisi in potentia ministerialiter electiva, quia scilicet potest, sede vacante, papam eligere, per cardinales, vel per seipsam in casu" (Cajetan, *De Comparatione Auctoritatis Papae et Concilii,* cap. xiv, no. 210). Cajetan here expresses astonishment at Gerson's grave errors.

(1) Nature of the election. All that the Church can then do, as far as supreme jurisdiction is concerned, is to designate him on whom God, in virtue of the Gospel promises, will send it down directly. "The power to *confer* the pontificate belongs to Christ alone, not to the Church, which does no more than *designate* a particular subject" (John of St. Thomas, II–II, q. 1-7; disp. 2, a. 1, no. g, vol. VII, p. 218).

(2) Can the Pope directly designate his successor? It is not fitting, and all theologians arc here agreed, that the designation of a successor should be made by the Pope himself. The act of electing a Pope precedes, strictly speaking, any exercise of the papal power; and so it is fittingly assigned to the Church and not to the Pope. Such in fact is the usage, conformable, as Cajetan says, to the

divine prudence which assigns a proper time for everything. "Be not therefore solicitous for to-morrow, for the morrow will be solicitous for itself. Sufficient for the day is the evil thereof" (Matt. vi. 34). For certain theologians indeed, the direct election of a successor by the Pope would be *invalid*—for example, Cajetan *(Apologia de Comparata Auctoritate Papae et Concilii,* cap. xiii, no. 736), according to whom the power to elect a successor resides in the Pope not in a*formal* manner, apt to pass into act (as the mason's art is in the mason), but in an *eminent* manner, inapt for immediate exercise (as the mason's art is in the architect). For many others, however, it would be simply contra-indicated in the present state of things. History records the case of Felix IV who, in 530, chose his successor, Boniface IL But did the latter become Pope in virtue of this election or in virtue of the later ratification by the Roman clergy? (cf. L. Duchesne, *L'Église au VP siècle,* Paris 1925, pp. 142-6). Boniface II, in his turn, made the Roman clergy promise to maintain after his death the choice he had made of Vigilius as his successor: but fearing, Later on, for the consequences of such an act, he publicly retracted it (cf. T. Ortolan, art. "Elections des papes", *Diet, de thiol. cath.,* col. 2284).

(3) In whom does the power to elect the Pope reside? If the Pope is not concerned to designate his successor directly, it belongs to him, on the other hand, to determine or modify the conditions of a valid election: "The Pope" says Cajetan, "can settle who the electors shall be, and change and limit in this way the mode of election to the point of invalidating anything done outside these arrangements" *(De Comparatione Auctoritatis Papae et Concilii,* cap. xiii, no. 201). Thus, resuming a usage introduced by Julius II, Pius IX decreed that if a Pope should chance to die during the sitting of an Oecumenical Council, the election of his successor would be made not by the Council, which would be at once interrupted *ipso jure,* but by the College of Cardinals alone *(Acta et Decreta Sacrosancti Oecumenici Concilii Vaticani,* Rome 1872, p. 104 et seq.). This same provision is recalled in the constitution *Vacante Sede Apostolica,* of Pius X, 25th Dec. 1904.

In a case where the settled conditions of validity have become inapplicable, the task of determining new ones falls to the Church by devolution, this last word being taken, as Cajetan notes *(Apologia,* cap. xiii, no. 745) not in the strict sense (devolution is strictly to the higher authority in case of default in the lower) but in the wide sense, signifying all transmission even to an inferior.

It was in the course of the disputes on the respective authorities of Pope and Council that the question of the power to elect a Pope came up in the fifteenth and sixteenth centuries. On this point Cajetan's thought is as follows.

He explains first that the power to elect the Pope resides in his predecessors eminently, regularly and principally. Eminently, as the "forms" of lower beings arc in the angels, who, however, are incapable in themselves of exercising the activities of bodies *(Apologia,* cap. xiii, no. 736). Regularly, that is to say as an ordinary right, unlike the Church in her widowhood, unable to determine a new mode of election save in casu", unless forced by sheer necessity. Principally, unlike the widowed Church, in whom this power resides only secondarily (no. 737)· During a vacancy of the Apostolic See, neither the Church nor the Council can contravene the provisions already laid down to determine the valid mode of election *(De Comparata,* cap. xiii, no. 202). However, in case of permission (for example il' the Pope has provided nothing against it), or in case of ambiguity (for example, if it is unknown who the true Cardinals are or who the true Pope is,

as was the case at the time of the Great Schism), the power "of applying the Papacy to such and such a person" devolves on the universal Church, the Church of God (ibid., no. 204).

Cajetan affirms next that the power to elect the Pope resides formally—that is to say in the Aristotelian sense, as apt to proceed directly to the act of electing—in the Roman Church, including in that Church the cardinal bishops who, in a way, are suffragans of the Bishop of Rome. That is why, according to the canonical rule provided, the right to elect the Pope belongs in fact to the cardinals alone *(Apologia,* cap. xiii, no. 742). That again is why, when the provisions of the Canon Law cannot be fulfilled, the right to elect will belong to certain members of the Church of Rome. In default of the Roman clergy the right will belong to the Church universal, of which the Pope is to be Bishop (ibid., nos. 741 and 746).

(4) The modes of election in history. If the power to elect the Pope belongs, by tlie nature of things, and therefore by divine law, to the Church taken along with her Head, the concrete mode in which the election is to be carried out, says John of St. Thomas, has been nowhere indicated in Scripture; it is mere ecclesiastical law which will determine which persons in the Church can validly proceed to election.

At different times and with various qualifications the following have taken part in the election: the Roman clergy (whose right seems to be primary and direct), the people (but only in so far as it consents to and approves the election made by the clergy), the secular princes (whether licitly by simply giving their consent and their support to the person elected, or by an abuse, as when Justinian forbade the elect to be consecrated before the Emperor's approbation), and lastly the cardinals who are the first of the Roman clergy, so that to-day it is to the Roman clergy that the election of a Pope is once again confided (cf. John of St. Thomas, **II-II**, q. 1, a. 7; disp. 2, a. 1, nos. 21 et seq.; vol. VII, pp. 223 et seq.). The *Did. de théol. cath.* has an article, "Election des papes", containing an historical account of the various conditions under which the Popes have been elected.

The constitution *Vacante Sede Apostolica* of Pius X, dated the 25th December 1904, provides for three modes of election: *a.* by *inspiration,* when the cardinals, prompted by the Spirit, unanimously proclaim the Sovereign Pontiff; *b.* by *compromise,* when the cardinals agree to leave the election to three, or five or seven of their number; *c.* by *scrutiny,* when two-thirds of the voices (exclusive of that of the elect himself) arc obtained (nos. 55 to 57).

(5) Validity and certitude of election. The election, remarks John of St. Thomas, may be invalid when carried out by persons not qualified, or when, although effected by persons qualified, it suffers from defect of form or falls on an incapable subject, as for example one of unsound mind or unbaptized.

But the peaceful acceptance of the universal Church given to an elect as to a head to whom it submits is an act in which the Church engages herself and her fate. It is therefore an act in itself infallible and is immediately recognizable as such. (Consequently, and mediately, it xviii appear that all conditions prerequisite to the validity of the election have been fulfilled.)

Acceptance by the Church operates either negatively, when the election is not at once contested; or positively, when the election is first accepted by those present and then gradually by the rest (cf. John of St. Thomas, **II-II**, qq. 1-7; disp. 2, a. 2, nos. r, 15, 28, 34, 40; pp. 228 et seq.).

The Church has die right to elect the Pope, and therefore the right to certain knowledge as to who is elected. As long as any doubt remains and the tacit consent of the universal Church has not yet remedied the possible flaws in the election, there is no Pope, *papa dubius, papa nullus.* As a matter of fact, remarks John of St. Thomas, in so far as a peaceful and certain election is not apparent, the election is regarded as still going on. And since the Church has full control, not over a Pope certainly elected, but over the election itself, she can take all measures needed to bring it to a conclusion. The Church can therefore judge a Pope to be doubtful. Thus, say's John of St. Thomas, the Council of Constance judged three Popes to be doubtful, of whom two were deposed, and the third renounced the pontificate (loc. cit., a. 3, nos. 10-1l ; vol. VII, p. 254).

To guard against all uncertainties that might affect the election the constitution *Vacante Sede Aposlolica* counsels the elect not to refuse an office which the Lord will help him to fill (no. 86) ; and it stipulates that as soon as the election is canonically effected the Cardinal Dean shall ask, in the name of the whole College, the consent of the elect (no. 87). "This consent being given—if necessary', after a delay fixed by the prudence of the cardinals and by a majority of voices—the elect is at once the true Pope and possesses in act, and can exercise, the full and absolute jurisdiction over all the world" (no. 88).

(6) Sanctity of the election. These words do not mean that the election of the Pope is always effected with an infallible assistance since there are cases in which the election is invalid or doubtful, and remains therefore in suspense. Nor does it mean that the best man is necessarily chosen.

It means that if the election is validly effected (which, in itself, is always a benefit) even when resulting from intrigues and regrettable interventions (in which case what is sin remains sin before God) we arc certain that the Holy Spirit who, overruling the Popes, watches in a special way over His Church, turning to account the bad things they do as well as the good, has not walled, or at least permitted, this election for any but spiritual ends, whose virtue will either be manifest, and sometimes with small delay, in the course of history, or w ill remain hidden till the revelation of the Last Dayr. But these are mysteries that faith alone can penetrate.

Let us single out this passage from the constitution *Vacante Sede Apostolica**. It is manifest that the crime of simony, odious at once to God and man, is absolutely to be condemned in the election of the Roman Pontiff. We reprobate and condemn it once more, and we declare that those guilty' of the same incur the penalty of excommunication *ipso facto.* However, we annul the measure by which Julius II and his successors have invalidated simoniacal elections (from which may God preserve us!) that we may remove all pretext for contesting the validity of the election of the Roman Pontiff."

EXCURSUS IX

LOSS OF THE PONTIFICATE

How can the pontificate, once validly held, be lost? At the most in two ways.

a. The first—and at bottom, as we shall see, the only way—is by the disappearance of the subject himself; whether as a result of an inevitable event (death, or

that species of death which consists in irremediable loss of reason), or as a result of the free renunciation of the pontificate such as that of St. Celestine V, *'che fece ... il gran' rifiuto". The Pope was considered as having resigned when he was so placed that he could not possibly exercise his powers: "It appears that in those times, when a bishop was removed from his see by a capital sentence (death, exile, relegation) or by an equivalent measure emanating from the secular authority, the sec was considered as vacant. It was under these circumstances that the Roman Church replaced in the third century Pontianus by Anteros, in the sixth century Silvcrius by Vigilius, in the seventh Martin by Eugenius" (L. Duchesne, *The Early History of the Church,* vol. III, p. 160, note i).

b. The second way would be by deposition. If deposition means, properly, deprivation by a superior authority, it is evident that the Pope, having the highest spiritual jurisdiction on earth, can never in this sense be deposed. When then the deposition of a Pope is spoken of it can only be in some improper sense. Two cases present themselves.

First, there is the deposition of a *doubtful* Pope. But a Pope whose election remains uncertain was never Pope, so that there is no question here of deposition properly so called.

Next, comes the debated case of an *heretical* Pope.

Many theologians hold that the assistance promised by Jesus to the successors of Peter will not only prevent them from publicly teaching heretical doctrine, but will also prevent them from falling into heresy in their private capacity. If that view is correct the question does not arise. St. Robert Bcllarmine, in his *De Romano Pontifice* (lib. II, cap. xxx), already held this thesis as probable and easy to defend. It was however less widespread in his time than it is to-day. It has gained ground, largely on account of historical studies which have shown that what was once imputed to certain Popes, such as Vigilius, Liberius, Honorius, as a private heresy, was in fact nothing more than a lack of zeal and of courage in certain difficult moments, to proclaim and especially to define precisely, what the true doctrine was.

Nevertheless, numerous and good theologians of the sixteenth and seventeenth centuries have admitted that the Pope as a private person could fall into heresy, and not only in secret but even openly.

Some, such as Bellarmine and Suarez, considered that such a Pope, withdrawing himself from the Church, was *ipsofacto* deposed, *papa haereticus est depositus.* It seems that heresy was regarded by these theologians as a kind of moral suicide, suppressing the very subject of the Papacy. Thus we come back without difficulty to the first way in which the pontificate can be lost.

Others, such as Cajctan, and John of St. Thomas, whose analysis seems to me more penetrating, have considered that even after a manifest sin of heresy the Pope is not yet deposed, but should be deposed by the Church, *papa haereticus non est depositus, sed deponendus.* Ne\rertheless, they added, the Church is not on that account above the Pope. And to make this clear they fall back on an explanation of the same nature as those we have used in Excursus IV. They remark on the one hand that in divine law the Church is to be united to the Pope as the body is to the head; and on the other that, by divine law, he who shows himself a heretic is to be avoided *after one or two admonitions* (Tit. iii. io). There is therefore an absolute contradiction between the fact of being Pope and the fact of persevering in heresy after one or two admonitions. The Church's

action is simply *declaratory,* it makes it plain that an incorrigible sin of heresy' exists; then the *authoritative* action of God disjoins die Papacy from a subject who, persisting in heresy' after admonition, becomes in divine law, inapt to retain it any longer. In virtue therefore of Scripture the Church designates and God deposes. God acts with the Church, says John of St. Thomas, somewhat as a Pope would act who decided to attach indulgences to certain places of pilgrimage, but left it to a subordinate to designate which tiiese places should be (II-II, q. 1; disp. 2, a. 3, no. 29, vol. VII, p. 264). The explanation of Cajctan and John of St Thomas—which, according to them, is also valid, properly applied, as an interpretation of the enactments of the Council of Constance—brings us back in its turn to the case of a subject who becomes in Divine law incapable at a given moment of retaining the papacy. It is also reducible to the loss of the pontificate by default of the subject. This then is the fundamental case and the others are merely variants. In a study in the *Revue Thomiste* (1900, p. 631, ''Lettres de Savonarole aux princes chrétiens pour la reunion d'un concile''), P. Hurtaud, O.P., has entered a powerful plea in the case—still open—of the *Piagnoni.* He makes reference to the explanation of Roman theologians prior to Cajetan, according to which a Pope who fell into heresy' would be deposed *ipsofactox* the Council concerned would have only to put on record the fact of heresy and notify the Church that the Pope involved had forfeited his primacy. Savonarola, he say's, regarded Alexander VI as having lost his faith. ''The Lord, moved to anger by this intolerable corruption, has, for some time past, allowed the Church to be without a pastor. For I bear witness in the name of God that this Alexander VI is in no way Pope and cannot be. For quite apart from the execrable crime of simony, by which he got possession of the [papal] tiara through a sacrilegious bargaining, and by which every* day he puts up to auction and knocks down to the highest bidder ecclesiastical benefices, and quite apart from his other vices —well-known to all—which I will pass over in silence, *this I declare in the first place and affirm it with all certitude, that the man is not a Christian, he does not even believe any longer that there is a God;* he goes beyond the final limits of infidelity and impiety'' (Letter to the Emperor).[1] Basing our argument on the doctrinal authorities which Cajetan was soon to invoke, we should say that Savonarola wished to collect together the Council, not because, like the Gallicans, he placed a Council above the Pope (the Letters to the Princes are legally and doctrinally unimpeachable), but so that the Council, before which he would prove his accusation, should declare the heresy of Alexander VI in his status as a private individual. P. Hurtaud concludes: ''Savonarola's acts and words—and most of his words are acts—should be examined in detail. Each of his words should be carefully weighed and none of the circumstances of his actions should be lost sight of. For the friar is a master of doctrine; he does not only know' it but he lives it too. In his conduct nothing is left to chance or the mood of the moment. He has a theological or legal principle as the motive power in each one of his decisions. He should not be judged by general laws, for his guides are principles of an exceptional order—though I do not mean by this that he placed himself above or outside the common law. The rules he invokes are admitted by the best Doctors of the Church; there is nothing exceptional in them save the circumstances which make them lawful, and condition their application.''

[1] These were neither new nor isolated accusations, cf. Schnitzer, *Savonarola.* Italian translation by E. Rutili, Milan 193î. vol. ii, p. 303.

EXCURSUS X

THE ORIGINS ΛYZ) TRANSMISSION OF POLITICAL PO WER

I shall give a brief outline of (i) St. Thomas' doctrine on this point, (2) the teaching of recent Popes, (3) certain precisions made recently by Christian philosophers.

(1) When St. Thomas enquires whether legislation can be done by anybody (**I-II**, q. 90, a. 3) his answer is as follows: "The law envisages, first and principally, order for the common good. Now, to order something for the common good is die business either of the multitude as a whole or of the person who is the representative of the multitude as a whole [vel alicujus gerentis vicem totius multitudinis]. And this is why the establishing of the law pertains either to the multitude as a whole or to the public personage who has charge of the multitude as a whole. In the same way the ordering of something to an end is, in all other domains, the concern of him whose proper business the end is." Further on (**I-II**, q. 97, a. 3) he explains that "where a free multitude is concerned, which can give itself its own law, the multitude's consent to some observance, made manifest by custom, carries more weight than the authority of the head of the multitude, who can legislate only inasmuch as he is its personification [in quantum gerit personam multitudinis]"; in a multitude which is not, on the contrary, free to give itself its own laws (for example, a people decisively conquered), custom has the force of law only insofar as it is tolerated by the legislator. In **II-II**, q. 10, a. 10, St. Thomas writes that the diverse forms of the *dominium* and of political power arise from positive human law, "dominium et praelatio introducta sunt ex jure humano". From these three texts it can be clearly deduced that although social existence and political authority come from the natural law, those in whom this political authority resides are the representatives of the multitude.

Cajetan considered this problem with his accustomed shrewdness *{In II-II,* q. 50, a.i). He writes: "The choice of a constitution is not an act of government but an act anterior to any form of government [electio regiminis non est pars regiminis sed praevium ad omnem speciem regiminis]. By natural law, it is for the people to choose whether the constitution shall be popular, aristocratic, or royal [ad electionem siquidem populi spectat, secundum naturale jus, an populare an optimatum an regale sit futurum regimen]." We must note that "the word 'people' has two senses: it can stand for either the people itself or a popular regime. A royal regime depends on the choice of die *people* which transfers to the king its vote and its power, and that is why he is said to be the vicar of the people [regimen regium a populi quidem electione dependet, qui vota sua et potestatem in eum transtulerunt, et propterea vices populi gerere dicitur]. But the royal regime—which is held to be the best—does not depend on a *popular regime*—according to St. Thomas, the reverse is true—and is not its representative." Thus, the power of the multitude as a whole is the constitutive power which decides the political constitution by custom or by vote; the power of its regent or vicar is the ruling power which exercises legislative, judicial and coercive functions within the limits envisaged in advance by the political constitution. In his *Apologia de Comparata Auctoritate Papae el Concilii* (ch. xiv, nos. 562-4), Cajetan makes distinction between the royal and the papal powers; "Kings arc God's

ministers not immediately but as representatives of die multitude. The Pope, who is the vicar not of the multitude but of Jesus Christ, is in a quite different position." Whether the king be made king by the people according to the natural jaw, as was Saul, or given miraculously, as was David, he is the representative of the people and its power; he is the people's vicar and is not, immediately, that of God. The Pope—whether he be chosen directly by God or indirectly by the Church, represents neither the power of the people (in die ecclesiological sense) nor his own power; he represents, directly, the power of Christ and is Christ's ïIBI ediate Vicar, the Vicar of Christ alone. "This is the difference between the king and the Pope: According to the natural law, the royal power is primarily in the people and derives from the people to the king. But the papal power is above nature and, by a divine right, resides primarily in one single person, not in the community."

The same doctrine is put forward as traditional and explained by St. Robert Bellarminc in his *De Membris Ecclesiae Militantis* (bk. iii, "De Laicis", ch. vi): (i) He considers political power in general without going into its particular forms—monarchy, aristocracy, democracy; it comes direct from God who is the Author of our nature, and exists by natural law; whether they like it or not men ought to accept it under pain of perishing—hence St. Paul's phrase (Rom. xiii. 2) "He that resisteth the power rcsisteth the ordinance of God." (2) As far as the natural law is concerned this power is, immediately, in the multitude; (3) but since it cannot itself exercise it, the multitude is obliged under natural law to transfer it to one or more subjects. (4) The different regimes—monarchy, aristocracy, democracy—fall under human law and not natural law; they depend on the consent of the multitude which can forsake one kind for another, and come from God indirectly, by way of human reason. (5) The differences between the political and ecclesiastical powers are: *a.* The political power resides immediately in the multitude and the ecclesiastical in a single human person, *b.* The political power, considered in general, is of divine law, and of human law, as considered in particular: while the ecclesiastical power is in all aspects of divine law and comes directly from God. Defending these theses of his *Controversies* in his Apology against James I, Bellarmine also recalls that when the people has given itself a legitimate head it is bound to obey' him.

In his *Defensio Fidei Catholicae Adversus Anglicanae Sectae Errores* (bk. iii, chs. ii and iii; vol. XXIV in the Vivès edition, pp. 206 et seq.), Suarez brings against James Is theory on the divine right of kings the same traditional theses: (1) The supreme civil power is conferred immediately by God on the perfect community alone. (2) In this sense—that is, abstracting from the many particular regimes—wc may say that democracy stems from the natural law'. (3) The political principate is conferred on monarchs through the mediation of the human will. (4) Where a transmission of power is concerned the human will can intervene in two ways—*a.* by simple designation of the person to whom the power passes just as it is instituted by God (so that the succession of Popes chosen by the Church is of divine law) ; *b.* by free determination of the power itself ("per novam donationem ultra designationem personae"), so that the establishing of a king by consent of the people is of human law. On the subject of the society, which is of natural law, and the forms of the *dominium,* which are of human law, Suarez refers us to St. Thomas (II-II, q. 10, a. 10). (5) To James's criticism of Bellarmine as having maintained that the people retains its power *in habitu* when it makes

die transfer to the king, and that this is in order to be able to use it in certain cases, Suarez replies that if the people does retain its power *in habitu* this is in order to exercise it only to the degree envisaged beforehand by the constitution, and not arbitrarily. The people cannot restrain the power transferred to the king, nor abrogate his just laws. To sum up, there is here a rejection of the theory according to which rulers ought to obey the people *ad nutum,* since the people's concern is to command and not to obey.

These condemnations of the errors of James I were made by Bellarmine and Suarez at the request of the Sovereign Pontiff.

(2) The teaching of recent Popes. In the *Syllabus* Pius IX took a firm stand against those who regarded a divinised humanity as a law unto itself: cf. the condemned propositions 56, 59, 60, 63—"It is by no means essential that human laws should conform to the natural law or receive from God the power of binding us": "Law consists in material fact": "Authority is nothing other than a sum total of numbers and material forces": "It is permissible to refuse obedience to legitimate rulers and rebel against them" (Denz. 1756, 1759, 1760, 1763).

It was against this background that Leo XIII wrote the encyclical *Diuturnum Illud* (29 June 1881). In it he says that those who attack the Church also destroy the true doctrine concerning political power. It is false that the people is the source of all power, and that authority resides in them without the power to emerge in responsible heads, so that the people always commands and never obeys: "Many of our contemporaries, following in the footsteps of those who, in the last century, awarded themselves the title of the Philosophers, claim that power comes from the people, that those who wield it in society are never the holders of it but only the mandatories of the people, and thus of their nature recallable by the people's will [potestatem . . . non uti suam geri, sed ut a populo sibi mandatam]." In fact, God is the Source of all authority: it was His will that human nature should be social and in consequence that there should be political authority. Legitimate political power, which resides in rulers, comes from God Himself, and the people is bound in conscience to obey it. This much established (and it is the essence of the Pope's message), it remains to recall that peoples can intervene in the choice of either their rulers or of the political regimes which suit them. Here comes a text of Leo XIII which does not seem to be based upon the doctrine of the theologians just quoted but does not, for all that, repudiate it. It will be remembered that according to this doctrine the transmission of power can be carried out in two ways: *a.* by simple designation of the subject to whom God transmits authority directly (as is the case in the election of Popes) —"populus solum eligens, Deus auctoritatem immediate conferens"; *b.* by free determination of power derived from God (as is the case where a people chooses its rulers and organises itself as a monarchy, aristocracy or democracy)—"populus eligens et determinans, Deus auctoritatem mediate conferens". The text of *Diuturnum* appears to envisage one method of transmission only, equally valid for civil society and society in the ecclesiological sense: "The choice of the people designates the ruler but does not confer the rights of the political principate [designatur princeps, non conferuntur jura principatus]; power is not delegated, but it is decided who shall exercise it [neque mandatur imperium, sed statuitur a quo sit gerendum]." In spite of this, Leo XIII did not intend to express disapproval of the long theological tradition exemplified in St. Thomas, Cajetan, Bellarmine and Suarez, according to which political power derives from God

to the people and from die people lo die rulers in whom it resides. There is nothing in the text to warrant such an interpretation and the Pope himself said so latcr on. He was solely concerned, as the context show's, to put an end to the errors of those who denied that temporal authority comes from God, and locate the source of political power not in Him but in the people itself and mere numbers. His condemnation is directed against a popular choice which should claim to be the creator of that power; not against a popular choice which at one and the same time transmits to rulers, and determines, a power originating in God and coming by way of the people.

Here we must quote a passage from Pius X s letter of 25th August 1910 on the *Sillon:* ' The *Sillon* locates public authority primarily in the people, from which it derives to those who rule, but in such a fashion that it continues to reside in the people. This doctrine was formally condemned by Leo XIII." There then follows the first text from *Diuturnum Illud* quoted above. Pius X goes on: ''Doubtless, the *Sillon* holds that the authority which it locates primarily in the people descends from God—but in such a way [and here the Pope quotes Marc Sangnier] that it comes from below, while, in the organization of the Church, power comes from above. But apart from the fact that it is abnormal for delegation to go upwards —since it is of its nature to come down—Leo XIII refuted in advance this attempt to reconcile Catholic doctrine with the errors of the *Philosophes*There then follows the second text from *Diuturnum,* quoted above. How are these passages to be interpreted? First it should be noted that theologians speak of the ''derivation" and ''transmission" of power rather than of its ''delegation''. There is no reason why power should not come from the people to its rulers by derivation and transmission. Second, it must be emphasised that if the traditional theological doctrine (according to which political power comes from God through the people and thus up to the rulers and regimes which the people chooses) seems attacked in this letter concerning the *Sillon,* it is not so attacked on its own account. It is attacked solely insofar as an attempt has been made to link it with ''the errors of the *Philosophes",* and to turn it to account in the service of a movement which was doubtless full of zeal in principle, but ended in aberration, as the pontifical document shows.

Any doubts as to the correctness of this interpretation should be dispelled by the most recent pontifical document on this subject, His Holiness Pope Pius XII's Allocution to the Auditors of the Rota, 2 October 1945 *(Acta Apost. Sedis,* 1945, pp. 256-62): ''If we consider the favourite thesis of democracy (a thesis constantly defended by great Christian thinkers)—that is, that the subject of the political power that derives from God is, first and foremost, the people (not, indeed, the ''masses'') [vale a dire che il soggetto originario del potere civile derivante da Dio è il popolo, nongià la ''massa''], the distinction between Church and State, even a democratic State, becomes ever clearer . . . Ecclesiastical power is in fact essentially different from civil power . . . The origin of the Church, unlike that of the State, does not arise from natural law . . . The Church derives from a positive act of God which is beyond and above man's social character but in perfect harmony with it . . . This fundamental difference is manifest at one point above all. Unlike the foundation of the State, the foundation of the Church, as a society, was carried out not from below but from above [la fondazione della Chicsa come societa si è effetuata, contrariamente aH'origine dello Stato, non dal basso all'alto, ma dall'alto al basso]. Which means that Christ who*

in His Church, has sel up the Kingdom of God on earth which He announced and destined for all men and ages, did not hand on to the community of the faithful the mission as Master, Priest and Shepherd which He received from the Father for the salvation of all men. He handed it on, rather, to a college of Apostles or envoys chosen by Himself so that they should, by their preaching, their priestly ministry and their social power respectively, bring into the Church the multitude of the faithful in order to sanctify them, enlighten them, and lead them into full maturity as disciples of Christ . . . In the Church, in contradistinction to the State, the basic subject of power and its ultimate manifestation, the supreme judge, is never the community of the faithful [nella Chiesa, altrimenti che ncllo Stato, il soggetto primordiale del potere . . . non è mai la comunità dei fideli]. There is thus no popular tribunal or judiciary power emanating from the people in the Church as founded by Christ, and there cannot be."[1] Thus political society organizes itself jurisdictionally from below, while the Church organizes itself jurisdictionally from above; the basic subject of power is the people in the first case and the Vicar of Christ in the second. It should be added that the favourite thesis of democracy", as the Holy Father calls it, is also the diesis of those who—like St. Thomas (II–II, q. 50, a. 1) and Cajetan—consider monarchy as the regime with the greatest perfection. What it does overturn completely is the theory of the Divine Right of Kings, according to which Kings are the vicars of God and not of the people, and indeed the theory of the Divine Right of *any* political regime. Even in the case of Israel, it did not matter whether the king were created by the people—as in the case of Saul—or given by God—as in the case of David; it is always the people that he represents (Cajetan, *Apologia,* no. 563).

(3) The scholastic theory of the transmission of political power has recently been taken up again and further developed in the United States, notably in two important works on political philosophy: Jacques Maritain's *Man and the State* and Yves Simon's *Philosophy of Democratic Government,* both published in 1951 by the University of Chicago Press.

Maritain comes to direct grips with the problem in the fifth chapter of his book, entitled "The Democratic Charter". But light is thrown on this study by the important clarifications which have gone before: a clear-cut distinction between the political body or society, which is the whole, and the State, which is merely a part of it though the principal part; a substitution of the concept of a political *principate* for the misleading modern idea of political *sovereignty,* conceived as the natural, innate and inalienable right of a supreme power separated from its subjects and above them: a distinction between power, or the force by which you can make others obey you, and authority, or the right to rule and be obeyed

[1] His Holiness Pope Pius XII takes up the same theme again in his address to Catholic Jurists of 6th Dee. 1953, reprinted in A.A.S., 1953, p· 800: "La istituzione di una ComunitA di popoli, quale oggi è stata in parte attuata, ma chc si tende ad effetuare e consolidare in più elevato e perfetto grado, *e un' ascesa dal basso verso l'alto,* vale a dire da una pluralitâ di Stati sovrani verso la più alta unità. La Chiesa di Cristo ha, in virtù dei mandato del suo divino rondatore, una simile universale missione. Essa deve accoglierc in se e collcgare in una unitâ religiosa gli uomini di tutti i popoli e di tutti i tempi. *Ma qui la via è in uno certo senso contraria; essa va dall' alto al basso.* In quell prima testé ricordata, l'unità superiore giuridica della cornunità dei popoli era o è ancora da creare. In questa, la comunilâ giuridica col suo fine universale, la sua costiluzione, le suc potestà. e coloro che ne sono rivestiti, è gia fin dal principio stabilita per la volontà c la istituzione di Cristo stesso."

by others—power needing authority, without which it is tyrannyi and so on. Concerning the point under discussion here, the following points should be noted: (t) Whatever the type of the political regime, authority derives from the consent of the people and its right to self-government. 11 rises from the base of the structure of the body politic to its highest point; but its primary source is in the Author of our human nature. (2) Authority is not located in the people by God in a transitory fashion. It is in the people inherently, and when the people transmits it to its rulers it acts not as a mere instrument but as a second cause. (3) The people does not lose the authority or the rights which it hands over to its rulers, but continues to possess them permanently; what it does renounce is a certain ulterior exercise of these rights—the special cases of a popular movement or *referendum* excepted—so that insofar as it does not command its rulers it is bound in conscience to obey them. (4) Appointment of a deputy does not take anything away from the first subject of a right; one can invest another man with, one's rights without losing them, provided that he receives them vicariously—that is, as one's deputy. Moreover, the rights of a deputy are not additional to those of the first subject; the rights of the Pope are not additional to those of Christ. The office of a deputy, of a *vices gerens* implies a "passing-through".

Chapter iii of Yves Simon's book, entitled "Sovereignty in Democracy", discusses with admirable clarity, three theories: (1) The "coach-driver" theory of government, according to which no one man may demand obedience from any other, and our only obligation of obedience is to ourselves. According to this theory the people cannot lay aside its incommunicable right to legislate, even if it would. It hands over the executive power only, and this in such a way that "the depositaries of the executive power are not the masters of the people but rather its officials". The words quoted are from Rousseau's *Contrat Social* (bk. ii, ch. vii; bk. iii, ch. xviii), but the theory under discussion represents no more than one aspect of his political philosophy. (2) The theory of divine right, or designation: man chooses a subject and God confers authority exclusively and directly. This is the way in which the Church chooses the Pope. According to James I of England and Bossuet in France (with the intention of justifying Louis XIV's absolutism) this is also the way in which the people chooses the subject of the royal power. (3) The theory- of transmission, which is that of St. Thomas, Cajetan, St. Robert Bellarminc and Suarez and holds good for all political government, whether it be democratic or no.

Chapter IX

THE UNITY AND THE ACTION OF THE HIERARCHY

We have studied the jurisdictional power at length; in fact the greater part of this book has been given up to it. The part it plays in the Church is indispensable and essential. She could not possibly exist without it. Yet it is not the more important of the two powers which give her existence and sustain her through the centuries. Its influence is not the more intimate. It acts on men in an objective way, by proposing the truth from without. Its end is to orientate, direct and canalize the spiritual energies whose presence in the faithful it presupposes; energies produced in their hearts by more immediate and more hidden activities of God. When He seeks out men to propose the revealed truth and the way of salvation in His name, God entrusts them with a task which, under one aspect, is not disproportionate to their powers, and in which they themselves can play a large and active part. It is in fact connatural to man to set before his fellows what he holds to be true and good; to teach, persuade, command and convince. In the fulfilment of this task, therefore, men can act not simply as instruments (as with the sacramental power) but as real second causes endowed with an initiative which the divine assistance does not suppress: for it is not its end to replace human activity, but to guide, sustain, and stimulate it. That is why the jurisdictional activities are so complex, and why their exploration is so long and delicate a matter.

In the part left to human liberty in the exercise of the jurisdictional power, we meet with a mystery in the Kingdom of God which we may find elsewhere on the temporal plane. God does not construct the sequence of historical events by His own sole activity: He constructs it with the concurrence of human liberty, to which He leaves innumerable initiatives. In the case of evil He even leaves it the *first* initiative,[1] reserving however the second, which by ways often impenetrable reduces this evil to some higher good.[2] Thus He remains finally the master of the lines of force which direct the advance of history, and of the road that it opens through time.[3] Yet

1 " By reason of the power to refuse, which is a natural element of all created freedom, the first initiative in evil-doing comes always from the creature; God has the power, but does not will, to prevent the creature (when it is so inclined) from interposing its refusal. For the hands of God arc tied by the inscrutable designs of His love as were those of the Son of Man upon the cross " (J. Maritain, *Freedom in the Modem World*9 p. 27).

2 " Now although God is all-powerful and supremely good, nevertheless He allows certain evils to take place in the universe, which He might prevent, lest, without them, greater goods might be forfeited, or greater evils ensue" (St. Thomiîs, II–II» q. 10, a. it).

3 " Despite all the mass of sensible material that conditions it in the order of nature, history is fashioned above all things by crossing and commingling, by chase and conflict, of Uncreated Free-

many histories were possible for the world, just as many histories were, and still are, possible for the Church founded by Christ; and only one of these histories emerges from the possible order to the real, to write itself, with all its vicissitudes, in the flesh of the Church, to fashion her being, to make her at last what she is to be when Christ comes to unite her immediately to Himself that she may live eternally in His glory.

The more important therefore of the two powers which cause and maintain the Church in existence is not the jurisdictional. It is the sacramental power, the power through which Christ acts on His members by way not of exterior government *[exterior gubernatio)* but of a hidden influx *(interior influxus).* The minister of a sacrament, his intelligence, his will, the movements he goes through, the words he pronounces—there is nothing in all this of the character of a second cause, possessing a certain freedom of specification and able to produce this or that effect at will; all is but a purely instrumental cause, possessing no more than a freedom of exercise, a freedom to act or not to act, in view of an effect that wholly transcends all human powers and has been determined in advance by the divine good pleasure alone.

We have given less space to the sacerdotal power, simpler, humbler, more hidden than the jurisdictional. Summarizing what was said of it: Any man can, at need, assume it in the administration of the first of the sacraments, namely Baptism. Even in Baptism it is *fitting,* in all the other sacraments it is absolutely *necessary,* that the minister should be equipped, spiritualized, by the possession of a mysterious supernatural quality which may be called the sacramental power, consecration, character. Thus the baptismal character is needed by a man and a woman before they can enter into a Christian marriage; and one must be priest or bishop validly to administer the other five sacraments. But if the sacramental power can be described in outline more briefly than the jurisdictional, its effects enter into the very substance of the Church, so that it is a longer task to take account of all the hidden riches that they bring her. The created soul of the Church, in its integrity, results from the junction of the effects of these two powers. It comprises not only the sacramental characters and the sacramental graces but also the right orientation of the energies of the Church—proposed from without no doubt by the jurisdictional power, but interiorized in the faithful themselves by faith and obedience. It is to be seen as an emanation, an outpouring, of the spiritual riches of Christ, in whom priesthood and grace and truth all take their rise. This soul it is whose function is to assemble, organize, and vivify from within the whole great body of the universal Church.

dom and created freedom. It is invented (so to say) at every instant by concordant and discordant initiatives of these two types of Freedom, the one within Time, the other outside of Time, able in a single glance from the heights of Eternity (where all the movements of Time are indivisibly present) to know the whole succession of things in Time. And the Divine Freedom is all die more wonderful and glorious for the liberty it gives the created freedom to undo its work; for only the Divine Freedom can, out of a wealth of destruction, draw forth a superabundance of Being. But we, poor mortals who arc part of the tapestry of history, are conscious only of the confused tangle of threads that is knotted on our heart (J. Maritain, *Freedom* tn *the Modem World,* pp. 27-8).

i. THE UNITY OF THE HIERARCHY

There are two essentially distinct hierarchical powers: that of order conferred by consecration and consequently not able to be lost, and that of jurisdiction, conferred by designation and so capable of being lost. But these two powers do not make two hierarchies. It is merely by inadvertence that we speak sometimes of a "hierarchy of order" and a "hierarchy of jurisdiction". The power of order and the power of jurisdiction are interdependent. They are the two halves of a single hierarchy. "In virtue of the divine institution," says the Code of Canon Law, "the sacred hierarchy comprises in the line of order *[ratione ordinis],* bishops, priests, ministers; and in the line of jurisdiction *[ratione jurisdictionis],* a supreme pontificate and a subordinate episcopate. But, by institution of the Church, other degrees have been distinguished."[1] Let us examine this mutual dependence of the hierarchical powers.[2]

i. THE POWER OF ORDER DEPENDENT ON THE POWER OF JURISDICTION

i. We may recognize a triple dependence of the power of order on the power of jurisdiction.

a. The primary mission of the Apostles and their successors is to teach the nations. And it is only to those who have begun to believe—under the influence of extra-sacramental grace sent down to them by Christ, as from a distance—that the sacraments can be afterwards administered. The case of infants is an exception only in appearance, since here they constitute but a single moral person with their parents, or those whose faith carries them to the baptismal font.[3] Thus the power of order cannot proceed to the administration of the sacraments unless the exercise of the power of jurisdiction has preceded it.

b. To this profound and universal dependence, in relation to the subjects on which the power of order is to be exercised, we must add another, in relation to its cause, the sacrament that confers it. Theologians who recognize the conciliar and doctrinal character of the decree *Pro Armenis*—and it would seem impossible to say that they are wrong[4]—are led to declare that certain sacramental signs such as those of order, were determined by Christ only in a general way, *in genere,* leaving it to the permanent jurisdiction of the Church to determine them later on in a more concrete way, *in specie.*[5] Thus, the imposition of hands, the original matter of the sacrament of order, was replaced in the West by what is called the tradition of the instruments.[6] That is not to say that the jurisdictional power

[1] Can. 108, §3.
[3] I have indicated this more summarily above, p. 24.
[2] cf. St. Thomas, III, q. 68, a. 9, ad 1, 2, 3.
[4] cf. P. Galtier, S.J., art. " Imposition des mains ", *Did. de Mol. cath.,* col. 1411.
[5] Billuart, *De Ordine,* dissert. 2, a. I, solv. obj.
[6] Denz. 701.

is, in such cases, superior, absolutely speaking, to the sacramental. It means simply that the jurisdictional power has the right to determine precisely the conditions required in order that the sacramental sign, recognized as valid, may become thereby the vehicle of grace, a grace coming from Christ and in no wise from the jurisdictional power.[1]

c. Lastly, the power of order is ruled, as far as its immediate and legitimate exercise is concerned, by the prescriptions of the canonical power, which orders all the proceedings of the faithful, clergy or laity, in view of the spiritual good of the universal Church.

2. Besides these forms of dependence on the power of jurisdiction which are special to the power of order, we must mention a more general and deeper dependence, by which the doctrine on the nature of the power of order and the mystery of its efficacy, like the whole of the doctrine of faith, is placed under the protection of an infallible jurisdictional authority. It is owing to this divinely assisted authority that the revealed teachings concerning the power of order, the sacraments it dispenses, the redemptive sacrifice it perpetuates in the Mass, can be proclaimed always and everywhere unaltered. They melt like snow in the sun as soon as they are removed from the field on which the influence of this magisterial authority can make itself felt, whether direcdy or indirectly. One of the missions of the jurisdictional power is thus to conserve in the world a power of order that is more precious than itself.

2. *THE PO WER OF JURISDICTION DEPENDENT IN ITS TURN ON THE PO WER OF ORDER*

There is a double dependence of the jurisdictional power; one in relation to the subjects in which it resides, the other in relation to the energies it rules.

I. The power of jurisdiction can be found in a regular and connatural way only in subjects made apt for it, prepared and consecrated for it, by the power of order.

In a particular subject, of course, these two powers can be disjoined. Bishops who go into schism or heresy, or who are consecrated in schism or heresy, arc thereby deprived of jurisdiction. On the other hand, according to the discipline actually in force, jurisdictional investiture is often conferred on bishops before their consecration. And that is why it is said that if jurisdiction presupposes order, it is that it may exist in a *regular* and *connatural* manner.[2] But, if wc consider not particular individuals but the *whole Church,* the power of jurisdiction requires the presence of the power of order

1 cf. above, p. 171.

1 L. Billot, S.J., *De Ezclfsia Chnsiiy* q. g, th. 15, Rome 1921, p. 341· It is the power of jurisdiction taken in the strict sense which thus requires order. The dominative power, which is a form of spiritual jurisdiction found in the superiors of religious, demands order only in die Sovereign Pontiff from whom it flows, cf. above, p. 187.

necessarily and *absolutely*. Where there is no power of order at all there never has been, and there never could be, any jurisdiction. Scripture and tradition witness to this.

This is because the power of jurisdiction is transmitted by simple designation, and is by nature intentional, dependent on the continuing will of the authority which designates. Therefore it needs in a way to be sustained and strengthened by a power, such as that of order, which is transmitted by consecration (thus not only in a more visible way but as an objective fact), and which is by nature ontological (and thus more stable because it confers a character upon the recipient). That a Church has maintained an uninterrupted succession of the power of order does not prove that it has kept the jurisdictional succession and an integral apostolicity. But, where it has *not* maintained such an uninterrupted succession, there is no hope of finding the apostolic jurisdiction.

There is another reason. The character of order confers, especially when received in its plenitude, a virtue which spiritualizes the subject, *enables* him to act spiritually (on the ontological plane of the cultus) for the social good of the whole Mystical Body. Therefore of itself it is apt to prepare those who possess it to receive the power of jurisdiction, which brings with it the *duty* of acting spiritually (but now on the juridical and intentional plane) for the social good of the whole Mystical Body.

2. There is a further dependence. It is the power of order that calls into the world the highest sources of the energies which it is for the power of jurisdiction to canalize. So that if, by impossibility, the power of order should disappear the power of jurisdiction would thereby lose, not indeed all its significance but certainly the greater part of it.

The preaching of the Gospel by the jurisdictional power normally precedes all exercise of the power of order. This preaching encounters first in the heart (and its first mission is to orientate and direct it) the first faint stirring of faith that comes from the Spirit that breathes where He will; but these initial and general graces, given as from afar to sheep who are not yet of the sheepfold, are not the highest graces. These latter are born of the sacramental contact; they are riches reserved to the Church. It is therefore only after the exercise of the power of order, by which sacramental graces are dispensed, that the power of jurisdiction can attain its fullest and highest exercise. If this power has the great privilege of opening from without the door of the fold for the entrance of the sheep, it has a privilege still more glorious when it canalizes the sacramental graces—when for example it directs by infallible teaching and a wise prudence the mystical ascensions of a St. John of the Cross towards the summit of Carmel.

For this mutual interdependence, which inextricably knits up the powers of order and of jurisdiction to make of them one hierarchy, we have to seek a still higher reason.

3. THE UNICITT OF THE HIERARCHIC: ONE GOD, ONE CHRIST, ONE HIERARCH!'

If the hierarchy is one, it is because it is unique. Its unity results from its unicity. There is but one sole hierarchy, as there is but one sole Christ and one sole God. The Church is brought under a single hierarchy and a single Mediator—who, alone being God and Man, can alone be the bridge between heaven and earth, *pontifex*—to her end, the one sole God. ‘‘There is one God and Father of all, who is above all and through all, and in us all’’ say's St. Paul; ‘‘there is one Lord’’; and one sole hierarchy which dispenses through its two conjoint powers ‘‘one faith, one baptism’’; so that the Church has but ‘‘one body’’, apt to be the vessel of one sole spirit, namely her created soul, and of ‘‘one Spirit’’, her uncreated Soul (Eph. iv. 4-6).

Just as a man, writes Karl Barth, ‘‘has only one father, can look only one man in the eyes at a time, listen only to one man at a time, just as he is bom once and can die but once, so he can believe in only *one* Revelation, recognize one alone . . . Whoever speaks of revelation, speaks of the revelation *of God,* that is to say the act of God by which He makes Himself known[1] . . . therefore the one sole Revelation made once and for all, irrevocable, not to be repeated—for the Cross of Calvary is not to be repeated’’.[2] For, properly speaking, neither the revelation nor the cross of Calvary is ever repeated; it is the generations of men, with the successive waves of their needs, of tlieir miseries, of their sins, that are repeated beneath the cross and the revelation which abide. It is enough that they entered once into time. They entered it, never to leave it. They arc not closed on the side of their efficacy, not finite, but open and infinite. They do not repeat themselves; they continue. They are not simply memories; they are real presences. And we enter into contact with them precisely under the borrowed and visible appearances of a hierarchy that is one as they arc one and as Christ is one.

In Him, the Head of the Church, the power to institute the new cultus through His cross and His sacraments and the power to proclaim the supreme revelation—the sacerdotal power *par excellence* and the royal power *par excellence*—arc indissolubly united. If, ascended into heavenly glory, He wishes to continue to make contact with us by His sacerdotal virtue and His royal virtue, He must leave a visible hierarchy among us with a twofold ministerial rôle, at once sacerdotal and royal. To be authentic, to be Christian, the hierarchy must indissolubly unite the two powers, of order and of jurisdiction. They can be accidentally separated in this or that particular subject. But neither one nor the other, taken separately, can constitute the hierarchy, the hierarchy instituted by Christ in the Apostles,

[1] Barth adds here ‘‘ and not an idea of God which we acquire". Revelation is first of all the *action of* God speaking supcrnaturally to men; but the term can also be applied to the word spoken, the doctrine, the truth supcrnaturally revealed to men.

[2] *RMlaiim, Église, thMogie,* Paris 1934. p. ta. (These lectures were originally delivered in French in Paris. They were published in German in the same year at Munich under the title *Offenbanmg, Kirche, Tluobgie.)*

the apostolic hierarchy. Neither of them alone can confer on the Church the unchallengeable mark of foundation by Christ, the mark of apostolicity.

THE INDIVISIBILITY OF THE HIERARCHY: DEVOTION TO THE HIERARCHY

This visible hierarchy, one and indissoluble, unique and apostolic, penetrated by a spiritual virtue coming from Christ and flowing from the innermost life of God, fashions in the world the visible Church, one and indissoluble, unique, and apostolic. It is clear that schism and heresy can never succeed without first dividing and mutilating her. And when the authors of schism and heresy have disappeared, it is not she, the one Church, who will be found in the dissident Churches. Whatever their good faith they are merely fragments of her. You might indeed say that the hierarchy is divided, but only as you might say that Christ is divided.[1] It is divided by the passions of men. In itself it is indivisible.

Thus our love for the hierarchy is our very love for Christ. When one thing is loved for the sake of another alone—though we must purify our hearts to keep it so—there is only one love. "He that receiveth you, receiveth me, and he that receiveth me receiveth him that sent me" (Matt. x. 40; cf. Luke x. 16). "He that receiveth you . . ." The Apostles and their successors bring with them the power of order. And with it the power of jurisdiction too, comprising a declaratory power assisted absolutely; and a canonical power, arising from the foregoing like leafage from its stalk, assisted only relatively, especially in merely particular matters or in those that concern the empirical existence of the Church. But the measures of the canonical power may on occasion be found to be less than perfect—particular measures, we have seen, can be accidentally erroneous, even immoral, and in this case do not count since they are disavowed in advance by the general teachings of the jurisdictional power. When this is the case, or when they are hard and vexatious (which will usually be for our good); when we have to suffer either from the carelessness or the incomprehension or the chicanery of those who wield the canonical power, or simply from their divergent ways of judging certain events that are at once religious and political or cultural—the sufferings involved can cause anguish but can never dim the outlook of a soul that wishes to remain great. For the thing which makes the soul great before God is the depth of her faith and the reality of her love for the cross. And sufferings of this nature need never conceal from us the divine magnificence of the good things that are indissolubly united under the name of hierarchy.

5. THE THREE CHARACTERS OF THE HIERARCHY: CONTINUITY, INSTRUMENTALITY, CONNATURALITY

I. Founded by Christ, the hierarchy was quickened by the Spirit who, on the day of Pentecost, brought it the first autonomous pulses of its life, the

[1] "Is Christ divided?" (1 Cor. i. 13).

repercussions of which will live on, transmitted from age to age, to the end of history. It is an organic institution, an articulated and differentiated body, from which individual members are ceaselessly removed by death. But through an uninterrupted transmission, it endures from generation to generation as a single living thing, always identical with itself, endowed with divinely enlightened wisdom and memory and prudence.

If the Spirit descended on the Apostles and disciples at the moment when they were all together in one place, with one heart, that, as Moehler remarks, was to signify that the hierarchy, and indeed also the whole Church,[1] was to have the character of a social body. By reason of the organic character essential to the hierarchy, the Apostles themselves, in spite of the exceptional gifts they had received, were careful to keep in touch with each other, and insisted on their mutual agreement as a mark of the authenticity of their mission. The doubts that arose among the first Christians, says Moehler, "were placed before the .Apostles, each one of whom was individually capable of solving them, in virtue of their having lived in close intimacy with the Master, a thing equivalent to many special gifts. But it must not therefore be inferred that each Apostle considered himself as an independent centre of life; on the contrary, the solution itself was submitted, wherever possible, to the Apostolic College, as its first meeting at Jerusalem witnesses (Acts, xvj. We have, moreover, many indications of the need felt by this or that Apostle to seek confirmation of his gospel, either from another or from the entire College. Often, too, confirmation or rectification was offered without having been specially sought.. Their spirit prompted them to many ways of comparing their own individual point of view with that of the others, for they could not rest save in the assurance that they were in harmony with this *whole* whose interpreters they were. We have an example of this need for unity in the behaviour of St. Paul. He could boast of having received the divine revelation directly from on high (Gal. i. 16-17), yet in all humility he lays his gospel before the Apostles (Gal. ii. 2) so as to be sure that he has not run and will not run in vain."[2] Thus closely bound together, the apostolic body could continue organically down the ages. "From His many disciples" says Moehler, "Christ had chosen the Twelve, a choice that signified the special commission to preach the Gospel to all the world and to take charge of the whole assembly of the faithful. The Apostles in their turn appointed certain remarkable men to take their places in the communities they founded, so that the apostolic mission with its prerogatives should not come to an end with them. Christ had not left it to chance to determine how the Gospel should be preached, nor did the Apostles so leave it. Even without this regular organization some of them undoubtedly would have been capable of understanding many things in Christian doctrine and of handing them on to others; but such teaching would always have remained doubtful, lacking in precision and power. Such mere echoes of the Gospel would soon

[1] *SynMik.* v, §37.

[2] *Die Einheit in der Kircht,* pt. ii, ch. 1, §50, p. 199.

have gone astray in the world and been lost. On the contrary, the word of God, ordered organically as wc have said, had a perfect consistency, an assured power, and unique precision. A people with one mind and one heart grouped themselves round an identical centre. They formed a mass, a powerful bloc, opposing all that was not Christian with concentrated energy, fighting paganism while listening all the time to the word of God teaching them to live in love."[1] Thus Christ grouped the Apostles in a body, and these in their turn prepared successors for themselves so that the hierarchy should go on without interruption. Moehler strongly emphasized these truths, and rightly. The continuity of the hierarchy founded by Christ and designed to pass down through the centuries was the constant preoccupation of St. Paul. It inspired his anxious recommendations to Timothy and Titus, and occupied the whole soul of the Apostle as he lay in sight of death.[2]

2. But the powers thus transmitted from generation to generation are not to be considered as sufficing to themselves. Compared with the virtue of Christ who ever rules His Church from heaven, and with the infinite virtue of the Divinity, they are subordinate powers, means. Thus beside their horizontal transmission in time we must consider their continuing dependence on the supra-temporal causes ceaselessly maintaining them in being. So it is with the power of order, which is strictly instrumental. So it is also with the power of jurisdiction—for though it functions as a second cause, yet beside the dependence in which all second causes stand with respect to the First Cause, it needs for its existence to be unceasingly superelevatcd and directed by divine motions of a new order. This actual present dependence of the hierarchy, or of the temporary charisms, on the humanity and the divinity of Christ is expressed in the great text of St. Paul to the Ephesians: "Some *he has appointed* to be apostles, others to be prophets, others to be evangelists, or pastors, or teachers. They are to order the lives of the faithful, minister to their needs, build up the frame of Christ's body, until we all realize our common unity through faith in the Son of God, and fuller knowledge of him. So we shall reach perfect manhood, that maturity which is proportioned to the completed growth of Christ . . . On him *all the body depends·,* it is organized and unified by each contact with the source which supplies it; and thus, each

[1] ***Die Einheit in der Kirche,*** pt. i, ch. ii, §to, p. 31. ***A propos*** St. Paul, let us note that the meaning of i Cor. xi. 23—***For I have received of the Lord that which also I delivered unto you***— is: " I have learnt through a tradition which goes back to Christ/' The hypothesis of an immediate revelation made to Paul on the origin and meaning of the Eucharist must be rejected. Paul knew this mystery through the Christian community to which he had been admitted after his conversion. That does not contradict Gal. i. 11—12 (in which St. Paul affirms that he did not receive his gospel from men), for the Apostle is there speaking of the fundamental revelation that illuminated his mind, not of the various beliefs and events of the life of Christ, cf. 1 Cor. xv. 3: " For I delivered unto you first of all, which I also received . . [Mgr. Knox has: " The chief message I handed on to you, as it was handed on to me . . ."]. cf. E.-B. Allo, ***Premiere épitre aux Corinthiens,*** Paris 1935, PP· 277 '9- Howcver, the light of the divine revelation would alone allow him to get to the bottom of the teachings delivered or handed on to him.

[2] cf. i Tim. i. 3-4; iii. 1-13; v. 17-22; vi. 3-20; Tit. i. 5-9.

limb *receiving the active power it needs,* it achieves its natural growth, building itself up through charity" (Ephes, iv. 11-16).[1]

3. Towards the end of this text the depositaries of the hierarchical and charismatic gifts are regarded as members who have to act in the body in the measure of the activity granted to each. In fact, inasmuch as they reside in faithful souls who are united to all the rest by faith and charity, and who arc members with them of the Church believing and loving, the hierarchic and charismatic gifts may appear as a spontaneous outflow from the Church, a foreseen and expected manifestation of hcr vital superabundance, a function of her organic activity. Moehler strongly presses this view. It pervades, amongst others, his book on tire Unity of the Church. His words on St. Athanasius are well known: "He had taken deep roots in the Church; he regarded himself as simply a member of the community of the Church." That too is true. St. Paul himself, in the First Epistle to the Corinthians, compares the charismatic gifts, whether of the hierarchic order or simply miraculous, to the organs of a human body: "For a man's body is all one though it has a number of different organs; and all this multitude of organs goes to make up one body; so it is with Christ... The body, after all, consists not of one organ but of many . .. And you are Christ's body, organs of it depending on each other. God has given us different positions in the Church; apostles first, then prophets; and thirdly teachers; then come miraculous powers, then gifts of healing, works of mercy, the management of affairs, speaking with different tongues and interpreting prophecy" (xii. 12, 14, 27). But that is only a comparison. It would be a mistake, as Moehler well knew, to liken the hierarchic gifts, regularly transmitted by consecration and designation, to pure charisms which arise gratuitously and unexpectedly, solely according to the good pleasure of God. It would be a mistake of another kind—and here Moehler is not always blameless, having failed even in his *Symbolik* to give sufficiently exact expression to the profound insight that possessed him from the days when he wrote *Die Einheit in der Kirche*—to press this comparison too far, and to represent the hierarchy, since it is a function, an organ, of the body of the Church, as being simply the expression, the exteriorization, the overflow of the life of charity,[2] conceived as producing it as the organ of sight, for example, is produced by the normal development of the embryo. For the hierarchy is not primarily the effect of the interior life of the Church; it is primarily a ministerial cause of that life. It expresses, exteriorizes and represents this life, no doubt; but only in the sense that orientated sacramental charity (which constitutes, as I have said, the created soul of the Church, and lives in the hearts of the faithful), being a direct issue of the hierarchy, readily seizes its own likeness to

[1] What I have called *continuity* and *instrumentality* I shall later on call *succession* and *mediation,* p· 527.

[2] " There we have the inner essence of the Catholic Church. The episcopate, the juridical constitution of the Church, etc., are but her extenor manifestation. We must insist on this capital distinction: the exterior unity arises from the interior, of which it is, so to speak, the outcome" (Moehler, *Die Einheit in der Eirche,* pt. ii, ch. iii, §64, p. 248). Similar texts are easily discoverable.

the hierarchy, and looks on the latter, in return, as one of its own manifestations and exteriorizations.

Thus the hierarchical powers can be looked at in three ways. First, "horizontally", as transmitted in time through an uninterrupted, organic, univocal succession, linking them up with the Apostles and with Christ. Next, "vertically", as related to eternity, inasmuch as they are in always actual present dependence on the humanity of the Saviour and the divine omnipotence, whose instruments and ministerial agents they arc, and whose purest and richest motions they communicate to our souls.[1] Lastly, from the standpoint of their roots—that is to say of the subjects in which they reside, who arc normally members of the Church believing and loving, so that, although they are the ministerial causes of the Church, these same powers appear to be rooted in her, and seem in a way to arise out of her own being.

6. J *GENERAL DEFINITION OF THE HIERARCHY*

The theologians alone can give the word "hierarchy" its highest meaning. They do not use it indiscriminately for any subordination of powers whatever. The hierarchy, in its most general sense, is in their eyes, a sacred principate *{sacer principatus),* comprising several co-ordinated degrees *{gradus et ordo),* and endowed with power and knowledge *{potestas el scientia)* to lead a multitude *{actio inducens ad finem)* to union with and likeness to God *{finis intentus).-* The hierarchy is thus defined by its essential principles *{ordo, scientia, actio)* and by its end *{ad Deum unitas el similitudo).* But—as St. Thomas notes—its most formal definition is that taken from the end: union and conformity with God.

That is why there is no hierarchy among the devils. Undoubtedly, being pure spirits, they are specifically distinct from each other and are ranked one above another according to the degree of elevation of their nature. There exists therefore among them an order of natures. And since activity issues from a nature, there also exists among them an order of activities, those of the lower natures ranking beneath those of the higher. Among the devils therefore we shall find superiority and inferiority, command and subordination, in a word an order, a *praelatio,* and St. Thomas writes that "This agrees too with divine wisdom, which leaves nothing inordinate, which reaches from end to end mightily, and ordereth all things sweetly".[3] But this natural order is constantly being overturned by the incorrigible malice of the devils. "Their perversity is such" writes St. Thomas, "that they make no attempt to orientate each other towards God, but rather to turn each other away from the divine order."[4] There cannot therefore be a hierarchy among the devils. But there is a hierarchy among the angels of God.

1 The aspect insufficiently emphasized by Moehler.

2 St. Thomas, *In II Sent.,* dist. 9, q. 1, a. 1: Utrum definitio hierarchiae data a Dionysio sit conveniens."

3 I, q. 109, a. 2: " Utrum in daemonibus sit praelatio."

4 ibid., a. 3.

7. *THE HIERARCHY OF EXILE AND HIERARCHY OF THE* PATRIA

When, in the first chapter, we sought the basic reason for the Christian hierarchy, we saw it as the effect of a general law—another and altogether greater effect being the Incarnation—according to which God willed to have sensible contact with men immersed in sin, in order to heal their wounds and awake them to the highest form of the life of grace. For the divine action, when exercised through contact, penetrates the heart with incomparably greater abundance, power and depth than when exercised from afar.

If, from the very first moment of the Incarnation, Christ was already the Saviour of all men by the graces that came from His heart to enlighten and enkindle from afar, yet it was to those whom He touched sensibly by a look, a word or a gesture, that He dispensed the most marvellous of His graces; and it was by drawing them towards Him and gathering them close around Him that He began to form His Church in the world. The question arises: was this capital distinction between graces bestowed from a distance and graces communicated by contact to disappear afterwards? When the glorified Christ left us on the day of the Ascension to go to heaven would the graces given thence be from then onwards the only ones to reach us, and the privileged graces of contact be lost for ever? Would Christ cease to visit mankind as mercifully, concretely, and intimately as He had done during the years of His mortal life; would He cease to touch men sensibly to maintain His Church in their midst? That is not what the Gospel teaches, as we have seen. But by means of what mystery could Christ, in the glory of heaven, continue still to keep contact with us in sensible fashion? Precisely under the appearances of the hierarchy. He left in our midst a visible hierarchy directed by Him from heaven, and serving Him as an instrument for entering into sensible contact with us.

We see then that the rôle of the hierarchy is purely ministerial. The Christian hierarchy is not there for its o\vn sake, but for the Church. Its whole function is to pass down from Christ, who is in heaven, to men, hidden in the mists of time, that action by contact, those mysterious spiritual riches, which arc capable of forming the created soul of the Church, the immanent organizing principle of her visible body. As the beauty of a pictured face has a merely transitive and imperfect being in the artist's pencil and is not discernible save on the page on which it is projected, so the full beauty of Christ, that of grace in act and truth lived, has merely transitive and imperfect being in the hierarchy; and it is in the Church bom of the hierarchy, in the hearts of Christians who believe, love, suffer and hope, that it will be found fully disclosed. That is why the grandeurs of the hierarchy and the grandeurs of sanctity are distinguishable in this world. They do not always coincide. Indeed, they arc often separated: of necessity to start with, since all the faithful cannot be in the hierarchy; and accidentally also, since charity can bejacking in those who arc of the hierarchy. But the greatnesses of

charity and the achieved likeness to Christ that they bring with them will never be lacking in the Church that issues from the hierarchy.

However, the Church that the hierarchy thus ministerially sustains is a Church not yet possessed of her definitive condition, not yet in her home-land. By definition she is a Church still on the move through the shadows of time; an exiled Church. The hierarchy from which she is suspended is a hierarchy of time, of exile. It will disappear—as I have said, it does not exist for its own sake—when the Church, which does exist for herself, passes from an earthly to a heavenly condition, and from time to eternity.

Then a new hierarchy, preformed already, wall arise from the very heart of the Church to illumine her wholly, along with her angels and her elect. It will be no hierarchy of signs and symbols, no hierarchy of exile, such as that of the powers of order and jurisdiction. For between Christ and the blessed there will no longer be this veil of weakness and sin that makes action by contact, and therefore the hierarchy of exile, needful in this world to effect a perfect assimilation, communication, and conformity. This will be the pure hierarchy of interior sanctity expressing itself outwardly, the hierarchy of beatific vision and love, the hierarchy of our spiritual homeland.

8. OUR LADY AND THE HIERARCHY

In the hierarchy of the fatherland Our Lady, whom the Church salutes as Queen of Angels, Patriarchs, Apostles, Martyrs and all the Saints, wall have, under Christ, the supreme rôle as indeed she has now. But in the hierarchy of exile she has no visible part to play. "Although the Blessed Virgin Mary was more worthy, higher, than all the Apostles, it was yet not to her but to them that the Lord gave the keys of the Kingdom of Heaven."[1] She sustained the newborn Church by the power of her contemplation and of her love. She was of even more use to the Church than were the Apostles who acted outwardly. She was the hidden root in which was secreted the sap that was to burst into flower and fruit. She did not bear the keys of the Kingdom, but by her prayer she guided and sustained those who bore them, and those also who came and knocked at their door. This rôle she still fulfils to-day.[3]

1 " The state of the New Law is intermediate between the state of the Old Law, whose figures arc fulfilled in the New, and the state of glory, in which all truth will be fully and perfectly manifested. Then there will be no more sacraments; but now, inasmuch as we sec only through a glass darkly, we have to enter into spiritual things through sensible signs " (St. Thomas, III, q. 61, a. 4, ad 1). cf. Cajetan: "Just as, in the fatherland, there are to be no more sacrifices or temples, as it says in the Apocalypse xxi. 22: ***And I saw no temple therein,*** our text [" He hath made us a kingdom and priests to God and his Father," Apoc. i. 6, cf. v. 10] makes no mention of any sacerdotal action in its vision of the future, although the sacerdotal dignity itself remains for eternity " ***{Jentaculum Tertium, De Sacerdotio).***

1 Innocent III, cited in the ***Decretals,*** b*b. V, tit. xxxviii, cap. x.

3 On the priesthood of Our Lady, see above, p. 91, n. 3.

ii. INDIRECT ACTION OF THE HIERARCHY IN THE WORLD

The field of Christ's action from a distance is universal. It reaches all men without exception as soon as they come to the age of reason. Even if they are not yet in the fold of the Church it presides in secret over the awakening of their moral life, and knocks at the door of their hearts. It enters as soon as they try to open to it; it makes of them those unfolded sheep who represent the Church foreshadowed, the Church in becoming, the Church in virtual act. And if they are in the sheepfold, then by an uninterrupted influx it preserves in their souls the sacramental graces deposited there by the momentary influx from the sacraments. Its illuminations and inspirations ceaselessly stir them, and indeed where five of the sacraments are concerned it will even revive their effects when they are lost.

Within this universal field Christ's action by contact, passing through the hierarchy, creates, at Christ's feet and all around Him, the more restricted field of the sheepfold, of the Church fully formed, the Church complete, in achieved act.

Thus this action by contact through the hierarchy takes effect first of all and immediately on the Church and gives her visible shape. I shall shordy discuss this *direct* action of the hierarchy, but we must deal first with a derivative form of its influence. We might say that certain rays of the action by contact are refracted by passing through the hierarchy, and are dispersed, far beyond the visible limits of the Church into the immense field of action at a distance, so as to aid this latter, effectively and perceptibly, to prepare and foreshadow the Church. This refraction and projection of the action by contact beyond the Church's visible limits I shall call the *indirect* action of the hierarchy. Let us examine its two manifestations, the one deriving from the power of order, the other from the power of jurisdiction.

i. SURVIVALS FROM THE POWER OF ORDER

The hierarchy is indivisible. But it can, in certain regions, be broken by force so that fragments of it subsist in a mutilated state beyond the field of the Church. Thus, in lands overrun by schism or by heresy we may find not only the sacramental powers deriving from Baptism and Confirmation, but the hierarchical power of order.

The violent disjunction of the power of order from the power of jurisdiction—which latter disappears of itself whenever there is a rupture with the Sovereign Pontiff—its persistence in the uprooted state to which it is then reduced, its transmission, valid but not licit, beyond its proper and natural sphere, is always the sign of a terrible spiritual catastrophe, a partial victory of the spirit of evil over the Church of Christ, which henceforth will move through history as though divided in herself, and become a scandal to the Gentiles.

UNITY AND ACTION OF THE HIERARCHY

However, the Church is not in reality divided. She is indivisible like the hierarchy from which she is suspended. Peoples who have received her and belonged to her can fall away from her in consequence of schism and heresy; yet, despite failing her in this way, they can still carry away with them some of her treasures and certain relics of her royalty. What then remains of hcr among them may, at first glance, suggest a division; but to a wader knowledge and a deeper perception these scattered riches will themselves witness to her unicity. They are rays from one same original centre of life and activity.

Those w'ho arc responsible before God for a schism or a heresy may carry away with them the valid succession of the sacrament of Holy Order. They do so in the darkness of a personal sin by which they partially rend the Church; and insofar as their own hearts are closed to the good influence of the sacraments they arc like sick men taking to others medicines which they do not know how to use for their own benefit. But their followers in later times, who inherit a patrimony of schism or heresy from their birth, are not culpable on that account. They can grow in spiritual stature by remaining in good faith. The sanctifying influence of the sacraments, no longer finding the same obstacles in the will, can result in graces of a high order.1 What they still lack in order to be fully and openly of the Church is the divinely assisted orientation of the jurisdictional power. But, from this standpoint, the uninterrupted transmission of the valid exercise of the power of order within the dissident Churches is a moving witness to the depth of the salvific wall of God. By thus continuing to dispense the graces of contact by way of His sacrifice and His sacraments, and thereby closely conforming to Christ many whose spiritual situation is in itself very precarious, He reveals an astonishing design: that of beginning, in a wray, to form the Church outside the Church, to collect His "other sheep" as in a flock, and to draw them to the one fold by a strangely powerful ontological desire, a "virtual act" not far removed from "act achieved".

2. *SURVIVALS FROM THE POWER OF JURISDICTION*

If the power of order can subsist where the power ofjurisdiction has disappeared, this last, more easily uprooted, is not to be found, in itself, in Churches that lack Orders. Its repercussions, however, as we shall see, can penetrate even there. But let us first consider under what diminished form it can still itself remain in those dissident Churches which have kept the power of order.

1 When St. Augustine declares that the sacraments do not confer grace outside the Church, he takes it for granted, as Billot rightly remarks, that they are received by those who are personally guilty of heresy or schism: " We say that those who receive Baptism outside the communion of tbc Church, among heretics or in any schism whatsoever, obtain no profit of it *in so far as they partake in the penasity of the heretics or schismatics* '* {*De Baptismo Contra Danatistas,* lib. III, no. 13). Cf. Billot, *De Ecclesia Christi,* Rome 1921, p. 339.

A. The Presence of a Partial and Borrowed Jurisdiction

I. Having cited a passage from St. Leo the Great on the eminent dignity of St. Peter, in dependence on whom the other Apostles received their privileges, Leo XIII, in the Encyclical *Satis Cognitum,* declares that "the bishops would lose their right and power to govern if they wilfully separated themselves from Peter and his successors; since this separation removes them from the foundation on which the whole edifice should rest, it puts them out of the edifice itself, excludes them from the fold governed by the supreme pastor and banishes them from the Kingdom the keys of which God gave to Peter alone . . . None can have part in the authority unless united to Peter, for it would be absurd to pretend that a man excluded from the Church could have authority in the Church . . . Now the order of bishops cannot be regarded as truly united to Peter as Christ willed that it should be, save by submission and obedience to Peter. Without that it becomes a mere confused and tumultuous multitude."

U (ill?

Thus, then, the current of episcopal jurisdiction is interrupted in those Churches that have knowingly broken away from the Sovereign Pontiff by schism and heresy.

It follows first of all that they are no longer protected either by the absolute assistance given to the declaratory power or by the prudential assistance given to the canonical power.

In respect of the exercise of the power of order two kinds of consequence follow. The first concerns the celebration of the Sacrifice of the Mass, and the administration of three of the sacraments: Baptism, the Eucharist, Order. While still remaining valid,1 they become in themselves and in principle, illicit, illegitimate, and so the Church as a general rule forbids the faithful to receive the sacraments from non-Catholic ministers, and to take part in non-Catholic worship. The second concerns those sacraments which, to be validly conferred, require a minister approved by the jurisdictional power. Such arc Confirmation given by a simple priest, Extreme Unction given with oil blessed by a simple priest, and Penance. Their administration in schism and heresy becomes therefore, in principle, not merely illicit but invalid.

2. These two kinds of consequences flow, in themselves, and in principle, from schism and heresy. Nevertheless, *in fact* and *in virtue of a borrowed title,* the dissident Churches which retain the power of order (the dissident Oriental Churches for instance), may retain, by a concession of the Sovereign Pontiff, either express or tacit, a partial but genuine jurisdiction which enables them validly to administer to their subjects even those sacraments which require a jurisdictional power in the minister; such as Confirmation and Penance.

In the case of Confirmation, it is clear that the bishops, even when schismatic or heretic, keep the power to confer it validly. But a problem arises

'The marriage of two baptized non-Catholics is also valid, and, indeed, sacramental.

as to that Confirmation which, in the East, simple priests themselves give to small children immediately after Baptism. A simple priest undoubtedly possesses, as John of St. Thomas explains,[1] the physical power to confer Minor Orders and Confirmation. But this power is inhibited. It cannot be validly exercised without the authorization of the Sovereign Pontiff. This authorization, which is granted only exceptionally in the West,[2] is possessed by the Oriental Catholic priests; but do dissident Oriental priests effectively possess it? Theologians think so. "A long time before the Byzantine schism," writes Père Jugie, "priests of the Oriental Churches, with the knowledge of and without the least protest from the Western and Roman Church, were accustomed, not in virtue of an *ordinary power*, but of a *current usage,* and with the authorization of their own bishops, to give Confirmation to neophytes immediately after Baptism. This practice, which continued after the schism, is still in force to-day. After the schism nevertheless, whenever the renewal of communion between Greeks and Latins was considered, at the second Council of Lyons, as at the Council of Florence, the validity of the Confirmation given by the Oriental priests was never questioned. Undoubtedly, in the *Profession of Faith* proposed to Michael Palcologus by the Sovereign Pontiff, it was simply declared that the sacrament of Confirmation is conferred by the imposition of the hands of the bishop who anoints the baptized. But, on the other hand, we know that the Byzantines who came into the union were not obliged to give up their custom".[3] For the rest, the validity of the Confirmation given by the dissident priests, a validity that could only result from a concession of the Sovereign Pontiff, was explicitly recognized by the Holy Office (3rd July 1859) for all the Oriental Churches, save those of Bulgaria, Cyprus, South Italy and the islands adjacent from whom this concession had been earlier withdrawn.[4]

Extreme Unction raises a kindred problem. To be valid it should be conferred with the oil blessed by the bishop. To contest this would, in the judgment of the Holy Office (13th January 161 i),be "rash" and "bordering on error".[5] Even in case of necessity the blessing of a simple priest would be insufficient.[6] Nevertheless, on the 30th August 1595, Clement VIII had tolerated the practice of simple Greek priests in union with Rome, who, with their bishops' authority, themselves blessed the oils needed for the sacraments, with the exception however of the sacred chrism.[7] (We may see here why Billuart writes that it is an immediate, or at least mediate, episcopal blessing that is required for Extreme Unction.)[9] It may therefore be thought that the Sovereign Pontiff implicitly authorizes the practice of simple Greek

1 III, q. 63; disp. 25, a. 2, no. 98; vol. IX, p. 345.

1 The decree *Spiritus Sancti Munera* of the Sacred Congregation of the Sacraments, 14 Sept. 1946, permits certain priests, under certain conditions, to be the extraordinary ministers of Confirmation to the sick in danger of death—for example, parish priests and parochial vicars within the limits of their territories (A.A.S., 1946, p. 349).

3 Martin Jugie, A.A. *Theologia Dogmatica Christianorum Orientalium,* Paris 1930, vol. III, p. 163.

4 cf. *Ami du clergé,* 1914—1919› vo^. X^X^I» P· 3*θ» and T. H. Metz, 14 Le clergé orthodoxe a-t-il la jurisdiction? " , in *Irenikon** Marclv-Aprîï 1928, p. 145.

5 Dcnz. 1628. e ibid., 1629. 7 ibid., 1086. · *De Extrema Unctione** a. 2, §1.

dissident priests themselves to bless, with the permission of their bishops, the oil of Extreme Unction and of Confirmation, and thus to recognize the validity of the preparation and administration of these two sacraments by simple priests in the dissident Greek Church.

As to the sacrament of Penance, wc know that "in peril of death all priests, even those not approved for hearing confessions, can validly and licitly absolve any penitents from all sins and censures."[1] There then is a definite case in which the dissident Oriental priests certainly' receive from the Sovereign Pontiff every authorization to dispense the sacrament of Penance. But apart from peril of death can these Oriental priests separated from the Church give absolution validly? The *Ami du clergé,* which has dealt with the question more than once, holds that they can. There are indeed, it says, no express documents of the Holy See to support the thesis, and the few theologians who have looked into the matter have expressed themselves against it. However, wc can bring forward two points in its favour: (i) The Church, which has not withdrawn from them the jurisdiction needed for Confirmation, will not deprive them of the still more useful jurisdiction to absolve their flock from their sins; (2) Rome has never required Eastern converts to make a general confession; and must thus regard confessions made in good faith to dissident priests as valid. If it is asked through what channel such jurisdiction comes to the priests of a dissident Church we must answer that it is transmitted to them "by the bishops and patriarchs who rule their Church to-day as formerly, themselves retaining their jurisdiction because the Roman Church, for the of so many souls living in good faith in schism, has not wished to deprive them of it, has in fact done nothing to indicate an intention to do so, and much, on the contrary, to suggest her will for its preservation"? 11

3. We come now to a delicate question. If Rome continues to grant to dissident Oriental priests the power of conferring the sacraments of Confirmation and Penance, that shows that the use of this power is not only valid but licit. These priests have a duty of charity to use it, since, according to the Code of Canon Law, a duty of charity lies on all priests to hear the confessions of the faithful in peril of death ;3 and the Code lays down precisely that every priest then acts not only validly but even licitly.[1] Would it not equally be a duty of charity for dissident bishops to confer the power of order, and to multiply priests to whom the Roman Church herself will grant the power of confirming and absolving? In other words, must we say that in the dissident

[1] *Cod. Jar. Can.,* can. 882; cf. can. 892, §2.

*Jmi *du clergé,* 1914-1919, vol. XXXVI, p. 318. To those who contest these views one could show the validity of absolution given by dissident priests by insisting " on the principle, admitted by all, of *goodfaith* and *colourable title* --- As regards the people, *goodfaith,* since their priests arc sent them by their bishops and patriarchs and arc taken by all for legitimate pastors. As regards the pastors, *colourable title,* since the priests arc deputed by a bishop and held to be legitimate pastors" (ibid., 1927, vol. XL1\, p. 569). But it is only a momentary, fugitive jurisdiction, valid for these particular cases, that can be established in this way, not one that is durable and continuous.

[1] Can. 892, §2.

' Can. 882.

Churches the transmission of the power of order should be considered as valid, certainly, but illicit, illegitimate? Or is it permissible to think, on the contrary, that the Roman Church, desiring it for the good of souls, regards it as licit and legitimate? To this I answer that in the eyes of the Roman Church the transmission of the power of order in the dissident Churches is *licit conditionally,* that is to say on the hypothesis of their good faith and invincible ignorance, an hypothesis which indeed is probable and generally admitted. But wc add that this transmission remains illicit in itself and speaking absolutely, so that it would become, not of course invalid, but illegitimate, as soon as it ceased to be effected in good faith.

4. However this may be, the dissident Oriental Churches can possess the spiritual jurisdiction needed for the valid administration of Confirmation and Penance. We will not say that they can possess it illicitly or illegitimately since they have it by a free delegation from the Sovereign Pontiff and so licitly and legitimately; rather let us say preferably, in a partial, precarious, borrowed and accidental manner. And hence the seven forms of sacramental grace are to be found in these Churches, and this unites them in profound fellowship with the one true Church, the sole Bride of Christ. However, they lack that full and divinely assisted jurisdiction which puts the final seal on the unity of the Mystical Body.

B. The Indirect Effects of the Jurisdictional Power

I. Let us first summarise the considerations of P. Billot on the way in which the infallible magisterium may enlighten those who live "outside" the Church,[1] that is to say, outside the Church in achieved act.

Theological faith is more necessary still than the sacraments, since nothing can replace it, whereas those who possess it in charity already possess the sacraments as by desire, *voto.* If then the sacraments can in some sense be had "outside" the Church to bring salvation to those who receive them in uprightness of heart, it is still more necessary that a sufficient proposal of the faith should be made outside the Church, and that true believers in the true faith should be found even amongst those whose ecclesiastical rulers hold doctrines that arc contrary to orthodoxy or erroneous.

The infallible magisterium of the Church is doubtless the normal means that God has provided for proposing the revelation in its integrity and without error. But it does not follow that the revelation proposed by other means, and even mingled with error, is always insufficient to give birth to a true theological faith. For the apparently simple act of the believer who holds to a message which he takes for divine, but which is in fact a tangled mixture of truth and error, falls apart under theological analysis into two quite distinct acts: an act of divine faith which God produces in him by His grace and whereby he adheres to the pure truth; and a merely human act of faith, of which he is himself the sole author, and by which he attaches

[1] *De Ecclesia Christi,* q. 10, th. 16, §3, Rome 1921, pp. 380-7.

himself to error. Thus the believer may err, but his faith itself, if it be theological faith in *God,* is always infallible.

It follows that the way ofjustification remains open, "outside" the Church, to men of goodwill, who are ready at heart to believe all that God has revealed. It can even be opened to them by the message proposed by schismatics and heretics, provided, of course, that this message still contains that minimum of truth without which no adult in any event can be saved—namely the supernatural mystery of the existence and providence of God. So that the sects separated from the legitimate Bride of Christ seem, in these circumstances, to become her servants to aid her to engender new children to grace, not solely by the ministration of the sacraments but also by proposing a doctrine, tainted with error though it be.

It can be said that this message proposed by dissident or possibly heretical ministers to faithful men of upright conscience, flows—in virtue of the element of divine revelation it contains—from the Chair of the Church, and that the infallible magisterium makes its good influence felt even so far afield. There are two reasons for this.

First, the basic Christian truths which the dissident confessions took with them when they broke away from unity, were received by them from the Church, who had kept them and explained them infallibly from the beginning and up to the moment of the rupture.[1]

Second, the preaching of Catholic truth continues through the ages to have its repercussions throughout the world and to influence indirectly, but profoundly, the preaching of all the Churches that call themselves Christian. So that if the Church, which is the pillar and ground of the truth (i Tim. iii. 15) should ever, by impossibility', be wiped out and her perpetual profession of faith be suddenly silenced, we should soon witness the disappearance of all that remains of divine truth in the separated Churches.

It would therefore be a serious error to restrict the influence of the magisterium to those it reaches directly. Its preaching is heard far beyond the limits of the Church. It carries a message to dissidents and to strangers, a message that helps to open for them the way to salvation. Thus, as it were, Catholic doctrine waters a garden, all around which lies an immense region to which this same water finds its way; but not unmixed.

2. In the pages I have just summed up Père Billot has confined himself to the examination of one aspect only of the jurisdictional power: the infallible magisterium. One could speak in similar terms of the prudential magisterium of the Church. In the Encyclical *Quadragesimo Anno,* Pope Pius XI more than once notes that the teachings of Leo XIII on the social question were received "with admiration and gratitude, not only by loyal children of the Church but by many also who were wandering far from the

1 Père Congar mentions, in the Protestant communities, the presence of die Bible, "the study of which, though very imperfect, is very active and produces true holiness in many souls. Theologically and historically Protestantism takes the Bible from the Church, apart from which no book is recognizable as the Word of God. Thus Protestantism derives from the Church an incomplete but genuine possession of the Word of God" *(Divided Christendom,* p. 243 n. 1).

truth or from the unity of faith; nay more, by well nigh everyone who, either as private student or as legislator, was thereafter interested in social and economic questions . . . Thus Catholic principles of sociology gradually became part of the intellectual heritage of the whole human race. Thus we rejoice that the eternal truths proclaimed so vigorously by Our illustrious Predecessor, are advanced and advocated, not merely in non-Catholic books and journals, but frequently also in legislative assemblies and in courts of justice." We could say as much of the teachings of Pius XI on Communism and Racism, and, in general, of all the great documents by which the Papacy guides the march of Christianity through history.

3. Lastly it must be added that the disciplinary, as well as the magisterial, power has its influence outside the Church. The practical prescriptions on the moral life and mutual relations of Christians, the celebration of divine worship, the organization of the clergy, of religious and laity', avail no doubt directly for the Church. They cannot be without influence on the rest of the world.

Thus, in the immense field of action from a distance, by which God prepares His Church, and which leaves no adult human being untouched, the indirect influences of the hierarchy bring a precious addition of grace and light; whether it be because the fragments of this divine hierarchy, broken by the negligence and the passions of Christians themselves, still cast a beneficent light about them like the shattered fragments of a star; or because the measures taken by the hierarchy, and, more generally, the effects of its direct action, are propagated like waves which tend to spread out over all the earth. Here, once more, we have two sets of men to consider: those who are to *be* saved by simply receiving the truth from Christ; and those who, closely united to the jurisdictional power, incorporated into Christ as Prophet and King, are called to be saviours with Him, by working for the diffusion of His message of truth.[1]III.

III. THE DIRECT ACTION OF THE HIERARCHY ON THE CHURCH

All "action at a distance" and all "indirect action of the hierarchy", aims at conveying spiritual realities to men's hearts. Whether recognized or not, these realities will tend of themselves, of their own weight, to draw men to the one fold, where in this world they will find the natural resting-place, the true centre of gravity of their souls. But it is only where the divine hierarchy—one, unique, indivisible—directly touches the earth that the Church appears in all her fullness—equally one, unique and indivisible. For she is the Betrothed of the Lamb. And she is the Body of Christ, the fulfilment and fullness of His being.

[1] On incorporation with Christ the Priest by means of the sacramental character, see above, p. 60; on incorporation with Christ the Saviour through sacramental grace, see below, p. 513.

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i. CONFORMITY WITH CHRIST AND THE CREATED SOUL OF THE CHURCH

Because Christ bears in Himself the sources of the priesthood, of grace, and of truth, He produces in the Church, by means of the hierarchy through which He acts, a threefold likeness to Himself as Priest, Giver of grace, and Teacher of truth. This constitutes her created soul, the immediate principle which acts to spiritualize her whole body from within, to organize and articulate it.[1] From the sacramental power the Church receives the very' *principles* of her activity, namely the sacramental characters and sacramental graces; from the jurisdictional power she receives the *directives* which, interiorized in her children by faith and obedience (according as they come respectively from the declaratory power or from the canonical power), become capable of orientating her activity *ab intus* and vitally, *lex Dei ejus in corde ipsius.*

These three elements of the created soul of the Church, these three aspects of her configuration to Christ—the sacramental characters, the sacramental graces, and the interiorized jurisdictional truths—are already closely united to each other from the mere fact that they result from a hierarchy, one and indivisible. But they are moreover intrinsically ordered to each other. The end of the sacramental power is to call down sacramental graces on the world; and the highest duty of the jurisdictional power is to direct their activity. Nothing could be more precious than these graces. In the subject in which they exist they' presuppose the sacramental character, at least of Baptism; and they' make the subject capable of an ever deeper interiorization of the jurisdictional directives by faith and obedience. Thus the three elements of the created soul of the Church are mutually interlinked. In Christ the names Priest, Saviour, and King signify formalities which are distinct but inseparable, which compenetrate and attract each other; so in the Church, which is an extravasation of His life, the sacramental power, sacramental charity and jurisdictional truth, although signifying distinct formalities, are mutually implicated and knitted up together to make an indivisible whole.

Orientated sacramental charity—that, precisely, is the created soul of the Church. Since it is sacramental, the charity presupposes the sacramental characters or powers. Since it is orientated it presupposes the jurisdictional power. Wc may here recall, transposing and applying it to the supernatural community of the Church, what John of St. Thomas says of the mutual interdependence of the "substantial form" and the "ultimate disposition" in substantial transformations: the ultimate disposition preparing the introduction of the new form in the order of material causality; and, on the other

[1] To justify this expression " the created soul of the Church " we may cite the Catechism of PiusX: *In che consiste l anima della Chiesa?* L anima della Chiesa consiste in ciô chc essa ha d'interno e spirituale, cioè la fede, la speranza, la carita, i doni della grazia e dello Spirito Santo e tuiti i celesti tesori che le sono derivati pei meriti di Christo Redentorc e dei Santi " *{Compendio della Dottrina Cristiano, prescritto da sua Sortiti Papa Pio X, ajle DiKai deUa Provincia d, Rnma, Romc* p. 119).

hand, resulting from the form in the order of formal causality as its property, its *propria passio.*[1] If therefore wc consider the Church, not in any particular individual, but as a *collective and indivisible whole,* we shall say similarly that charity will be her form—but charity in its full flowering, evangelical charity, that is to say sacramental and orientated charity. The sacramental characters and the interiorized jurisdictional orientation will be the properties, the "propriae passiones", which on the one hand, from the standpoint of formal causality, necessarily result from evangelical charity; but which on the other hand, from the standpoint of material and dispositive causality, prepare its entry into the hearts of men. The created soul, the immanent form of the Church, culminates thus in charity; in evangelical charity, the charity of Christ. The spiritual riches represented by this soul exist in the hierarchy, taken as such, only as in an instrument through which they operate. But all are found most eminently in Christ, the Head of the Church.

2. *THE CHURCH AS CO-REDEMPTIVE*

The created soul of the Church can confer upon men a triple likeness to Christ, bringing them into profound conformity with His character and action as Priest, Saviour and King. We shall have to go further into this idea later on, but may briefly indicate its meaning here.[2]

i. Christ did not come into the world for Himself alone. His soul was not closed within itself, but open to all mankind and even to the angels. He came to transform the world, to take up and recapitulate all things, purifying them in His blood and re-grouping them around His cross in a new order, better than the old, better even than that of the state of innocence. The law of His life was the law of fire, reaching out to all to assimilate all: "I am come to cast fire on the earth, and what will I but that it be kindled?" (Luke xii. 49). The work He accomplished as Priest, Saviour and King, the virtue of His priesthood, His grace and His truth—the redemptive virtue in short, made available in its plenitude through His operation in the hierarchy He founded an reach thus directly only a limited number of believers. In itself, however, it is co-extensive with the universe. Its end is not to save Christians closed in upon themselves, but to produce Christians open to the distress of all mankind. As history moves on it incorporates into this Christ who was born, suffered and died for the salvation of all men and ascended into glory, ordinary men who in their turn are born, suffer and die in Him for the salvation of all men. To say that the Church is the Body of Christ is to say that she is one with Him in redeeming the world; that she is, by that definition, co-redemptive. It is the co-redemptive Church that is to be formed in time by Christ's action through the hierarchy, the Church whose members have received the call to identify themselves with Christ to save

[1] *Cursus Philos.,* Phil. Nat., II, q. I, a. 7; Vivès ed., II, p. 548.

[2] On incorporation into Christ the Priest by the sacramental characters, and into Christ, King and Prophet, by union with the jurisdictional power, see above, pp. 60 and 511.

other men, in Him, with Him, through Him. "I fill up those tilings" says the Apostle, "that are wanting of the sufferings of Christ, in my flesh, for his body, which is the Church" (Col. i. 24).

2. Thus all the faithful who are openly and fully of the Church are, by vocation, members of Christ the Redeemer, His co-redeemers. They should by vocation, take upon themselves the burden of the salvation of all men known or unknown, now journeying with them on this planet towards eternity. Not only that, they should help to bear the sufferings of those in purgatory', who still need their prayers. It is by vocation that the Church prays for the salvation of the entire world, and it has been remarked that this universalist preoccupation is expressed with an ever more urgent insistence in the liturgy of the new feasts of Our Lord, the feasts of the Sacred Heart and of Christ the King. And it is also by vocation that she prays unceasingly that purgatory' may soon be left untenanted and that the Kingdom of God may come in all its fullness. But it is clear that the faithful of the Church, and the whole Church on earth, will be unable to support so terrible a burden unless interiorly sustained by the cross of Christ which, in one instant of time whose efficacy remains always present, bore upon its sole self the weight of all the sins of all the nations and all the ages.

But if all the children of the Church are called to be co-redemptive members, if they are all co-redeemers in respect of their state and virtually, only those w'ho are fully faithful, those who follow their vocation to the end and live only that Christ may live in them, are co-redeemers effectively and actually. These, say's Tauler, are "noble men, useful to all Christendom; they avail for the betterment of mankind, for the glory of God, and the consolation of all men". Elsewhere he adds: "These are they on whom Holy Church relies, and if they did not exist in Christendom, Christendom would not survive for an hour. Their mere existence, the sole fact that they are, is something more precious and more useful than all the activity in the world."[1] For these are at the heart of the Church. Such are the saints, filled with the apostolic spirit, which is nothing other than the spirit of Christ.[2] Such, above all, was the Our Lady, whose co-redemptive dignity has been recognized by the Church; but the Virgin is the Church at its purest.

3. Twenty centuries after Christ the Church, the great Church, is still no more than a little flock. She alone is chosen, not the rest of the world; but

[1] *Sermons,* n> *spirituelle* ed., vol. II., pp. 25, 247.

[2] cf. Mary of the Incarnation: " I entered into this state which had been shown me and for which I was waiting. It issued from the apostolic spirit, which is none other than the spirit ofJesus Christ, and it so absorbed my spirit that this had no longer any life save in His and by His, being wholly given up to the interests of this divine and superadorable Master and to zeal for His glory, that He might be known, loved and adored by all nations whom He has redeemed by His precious blood. My body was in our monastery, but my spirit, which was united to the Spirit ofJesus, would not be shut up. This Spirit carried me in spirit to the Indies, to Japan, into America, into the East and the West, into the parts of Canada and into the lands of the Hurons and all the habitable earth where there were rational souls who 1 saw belonged to Jesus Christ " *(Écrits spirituels,* Paris 1930, vol. Il, p. 310)· ci lhc invocation written by Charles de Foucauld at the head of one of his lessons on the Catechism: " My God, bring all men to heaven. Amen."

chosen for the redemption of the rest of the world. Her way of being saved in Christ is to save others in Christ. And thus the whole immense human multitude may be divided into two parts: those whom Christ's action reaches through the hierarchy and who become redemptive members, saviour members, by vocation; and those whom He reaches only by action from a distance, and who, in part, on account of the prayers and sufferings of the others, can be members redeemed, members saved. When they approach the Church, and enter the zone of the indirect action of the hierarchy, they too may begin to have a part in redeeming the world.

This is a glorious thing for the Church, but a difficult vocation for Christians. "The Church exults in the witness that she has to bear, and the Christian exults in the Church. She knows it to be her strict duty to confess the holy reality of the privileges she has received. The divine Liberty gives as It pleases, and to whom It pleases. But it is in a frail vessel, as St. Paul says, that every faithful soul bears grace. Though divine truth rests in a measure on feeble human shoulders it is not for the believer to adopt a superior or protective air, but rather to apologize and to ask pardon of all who pass by. *Euntes ibant etflebant.* Going, they went and wept."[1]

3. *THE CREATED SOUL AND UNCREATED SOUL OF THE CHURCH*

From the standpoint of final causality two reasons may be given, following St. Thomas, why the sacred humanity of Christ was filled with grace and the infused virtues. On the one hand the humanity had to merit the redemption of the world, and on the other, it had to enter into an immediate contact with the divinity by knowledge and love.[2]

In a similar way, we may assign two ends to which the created soul of the Church is ordered. It has to form the Church co-redeeming the world; and it has to prepare the Church to become the home of God among men. From this last standpoint we shall say that orientated sacramental charity, which is the created soul of the Church, prepares the coming of the Trinity in the manner of an ultimate disposition and in the order of *material* causality; while this same orientated sacramental charity results, in the order of *formal* causality, as a *propria passio*^ from the indwelling of the Trinity. The visible envelope of the Church, illuminated by her created soul, can receive the Holy Spirit as into a living dwelling-place, and with the Spirit the whole Godhead, the Uncreated Soul of the Church.[3] The created soul is thus ordered to the Uncreated Soul, the possession of created grace is ordered to the indwelling of Uncreated Grace, and the highest definition of the Church that can be given is that she is God's resting-place among His creatures.[4]

[1] J. Maritain, "Qui est mon prochain?" in *Vie intellectuelle,* Aug. 1939.

[2] III, q. 7, a. i.

[3] In the *De dicimbus Nominibus,* cap. 2, Dionysius writes that the divinity of Jesus is at once "*form* [idea] making the form of things without form, as archi-form", and "*without form* in forms, as above all form" (P.G. III, col. 648).

[4] Those who at various times have attempted to exalt Uncreated Grace by rejecting created grace, have merely misconceived its exigencies and its virtue. The traditional doctrine is richer and more

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EXCURSUS XI

THE HIERARCHY IN MOEHLER'S BOOK ON UNITY IN THE CHURCH

I. The Key Concept of the Book: The Church as Organism of Love

The thing that first strikes Moehler is the way in which the individual incarnation of the Word in Christ prepares a collective incarnation of the Spirit in the Church. Schleiermacher, says P. Chaillot,[1] tried, by a clever defence of Sabellianism, to justify a kind of Christian pantheism according to which the Divinity, following a necessary evolution, was manifested first in creative activity as Father, then in redemptive activity as Son, and finally in sanctifying activity, or in the Church, as Spirit; the three Persons of the Godhead really being only successive outpourings *ad extra.* Moehler expressly combated this pantheistic deformation of Christianity throughout his life, but he wanted to save the truth that lies buried in it, and which he had often come across in the earliest Fathers, according to which the world is to be brought back to the Father, through the Son, in the Spirit. "It may seem strange," he writes in the preface to *Die Einheit in der Kirche,* "that I should begin with the Holy Spirit when the centre of our faith is the Person of Christ ... I prefer to go straight to the true heart of the question. The Father sends the Son, and the Son sends the Holy Spirit. It was thus that God came to us. We go in the reverse direction to God. The Spirit leads us to the Son, and the Son to the Father. So I have determined to begin with the step that is first in time in the work of our Christianization."

The Spirit came down on the Apostles and disciples at a moment when all were together in one place, and henceforth He will dwell uniquely in the Church: "Where the Church is, there also is the Spirit of God. Where the Spirit of God is, there also is the Church and every· grace" says St. Irenaeus. Thus [2] the social character of Christian existence"[2] is apparent from the outset. It is not an isolated individual but an organic group that harbours the Spirit and whose mission it is to communicate Him from generation to generation. The task of the individual, according to Moehler, is "to accept into himself, in personal religious experience, the holy life that fills the Church; he has to transform, and by his personal contemplation make it genuinely his own", the religious experience of the community *{Die Einheit,* pt. i, ch. i, §4, p. 12). Thus, for example, "'the question: What is Christ's teaching? is penetrated through and through with history. It means: What has been taught in the Church since the days of the Aposdes?, or again: What is the common and constant tradition?'' *(Die Einheit,*

penetrating. For example, St. Cyril of /Mexandria writes, " Christ 13 formed in us when die Holy Spirit introduces into us a kind of divine conformation by sanctification and justice; thus is imprinted on our souls the character of the hypostasis of the God who is Father, when the Holy Spirit forms us anew by sanctification in Him " (Zn *Isaiam,* lib. IV, orat. 2; P.G. LXX, col. 936).

1 " Le principe mystique de Vunîté ", in *L'Église est une, hommage à Moehler,* Paris 1939, pp. 208-9. For the relation of Schleiermacher and some of the Catholic theologians of the Württemberg School, cf. Edmond Vermeil. *Jean Adam Moehler et Tecole catholique de Tubingue,* Paris 1913, pp. 12 ff., 280 if.

2 The expression comes from J. E. Vicmeisel, "L"Actualité religieuse de Moehler", *in L'Église est une,* p. 305. ■

pt. i, ch. ii, §10, p. 33). To this teaching the faithful Christian unconditionally submits, "persuaded as he is that if the Holy Spirit manifests Himself in the Christian community as a whole, He will be manifested also to himself when he attains to greater spiritual maturity, when his interior life has become more perfect" (ibid.). This collective and organic life of the faithful, being transmitted by the Divinity through the sacred humanity of Christ, and being the proper reflection of His personal life, constitutes a Body of which He is the Head. We have to be members if we would know what it is to exist in Christ: "We cannot experience the life of Christ in us save only by and in the Church. Hence the more the divine life, pouring through the Church as in a torrent, is allowed to flow through us, so much the more does the communion of saints become real and deep in us, so much the more we share in this life and the more it gains from ours—the more efficacious also is our knowledge and the more lively our intimate awareness of Christ, the clearer will be our vision of what He is for us or, at least, of what He should be in our lives" (ibid., ch. i, §7, p. 22). It was to be one of Moehler's deep and magnificent insights to recognize above all in the Fathers of the Church the expression of a life and a thought moving in the inner depths of the Body of Christ. With them, wrote Père Congar, recalling this intuition of Moehler's, "everything proceeds from a living and total conformity with the mind of the Church. They live in her, and they live by her; neither in their life nor in their thought are they determined by anything outside her or foreign to her. The very object of their speculations is taken from the very heart of her life and of her thought. They do not speculate for speculation's sake, for all their work is but a sendee of the Church, carried out for the vital needs of the Christian community; hence their thought is always a reference to the very principle of Christianity, to this essential and central reality: Jesus Christ, Saviour and Regenerator, Initiator for all men of a new life as children of God. All their work breathes Jesus Christ, because all their thought has unfolded and ripened in the heart of the Church, who lives only by Jesus Christ, or rather who lives Jesus Christ. Hence this sense that they have for the things of Christ, and this sure instinct for all that is opposed to them. Their formulas may perhaps at times be inadequate, insufficient, or even doubtful; but that is not the essential thing, for beyond all imperfect formulas and in the very use of occasionally rudimentary conceptual or verbal instruments, they have the keenest sense of the truth, the very sense of Christ and of Christianity', which is more a life than a formula".1

The voices of the Fathers are shot through with the flame of that charity with which the whole Church burns for Christ. The teaching of those among them who belonged to the hierarchy was, on that account also, guaranteed by the charism of the divine assistance coming also from the Holy Spirit, but quite distinct from charity. This hierarchical teaching was proposed "from without",

1 " L'Hérésie, déchirement de l'unité ", in *L'Église est une, hommage à Moehler,* p. 257; cf. " L'esprit des Pères d'apres Moehler", in *Vie spirituelle,* 1st April 1938, of which these are the final lines: " Everything in the Fathers is attributable to the fact that they were, in a specially perfect way, men living *in the Church*. We cannot pass over here, albeit it does not come from Moehler, the beautiful text from the Mass of Doctors: *In medio Ecclesiae aperuit os ejus.* Truly it was in the bosom of the Church and in brotherly communion with all the body that the Fathers opened their mouths. Hence they proclaimed no purely personal things coming from their own minds, but *implevit eum Dominus spiritu sapientiae et intellectus,* it was the Spirit of the Lord who opened their mouths and filled them with the spirit of wisdom and understanding.

for the acceptance and obedience of the faithful. But since it was in some sort upborne by the charity of the whole believing Church, it might seem, unless clear distinctions are drawn, to be no more than a spontaneous expression of this common charity. Moehler s thought needs a little clarification here.1

The essential thing in liis eyes—and here I think he is entirely right—is the insertion of the individual person into the organism of love. Thereby we enter infallibly into the truth. He who, in our days, turns to the common teaching of the Church cannot be in error; not because truth goes with majorities, but because the totality of the gifts of the Holy Spirit are to be found only in the totality of believers , . . All believers appear as parts integrating themselves into each other, so that they are perpetually" referred to this fundamental law, that it is in unity and charity that the truth is to be found/'2 To recommend his truth to his contemporaries Moehler does not hesitate to attempt a transposition of the romantic ideology" then in vogue, according to which the individual cannot hope to escape death by isolation and egoism save by" recovering his organic place in the universe of which he is a member, unity of life with the universe being "the condition of all genuine knowledge of God, the Creator of this universe; for the universe as such is rooted in God and is a kind of global

1 According to P. Marin-Sola, already cited, there are two ways of ascertaining whether a truth is really and objectively contained in the revealed deposit, and, consequently, whether it could eventually be defined by the Church: the one way is intellectual, the method of the theological conclusion strictly so called ; the other is affective, by way of the common feeling of the faithful, the " sense of the faith ". ** While this rnu* *of the faith* is found only in some here and there—even if they are saints—or only in certain parts of the Church, its theological weight is very slight. As soon as it becomes general and the common patrimony of bishops, theologians and faithful, it is in itself, and prior to any definition, an argument as strong as the most evident theological reasoning. So that either on the one hand evident reasoning, or on the other the assured and general consensus of the Christian society as to the inclusion of a doctrine in the revealed deposit, is, for the Church, a sufficient criterion of its definability." The author then makes the following valuable distinctions which are lacking in Moehler. *· We must however carefully distinguish this *sense of the faith* from the *ordinary magisterium* of the Church. The former may be found in all the faithful, especially in those in a state of grace and still more so in the saints, even when these are neither theologians nor bishops. The latter belongs exclusively to the bishops. The former is neither a teaching nor a magisterium, but simply the *experimental conviction* that a truth is so. It is not, in itself, a definition; but when found in all the faithful it becomes a proof or a preparation sufficient for the purposes of a definition by the Church. The latter is not only the conviction of a truth, it is a *teaching;* and when this teaching is universal and definitive it constitutes a *true definition of faith* by the ordinary magisterium, of no less weight than one put forth by the solemn magisterium. To possess the conviction, it is sufficient to be in a state of grace, or at least to have a genuine divine faith. For the teaching, episcopal jurisdiction, which is doctrinal by nature, is needful and suffices, though lacking grace or even faith." Let us note that in each individual subject the episcopal jurisdiction is normally sustained and penetrated by the life of grace, and that if the jurisdiction of the Church is taken as a whole this normal condition is always realized; it becomes a condition of existence. Père Marin-Sola concludes: " Nor must wc confuse the general consent of the faithful *posterior* to a definition of the Church, with that which *precedes* it. The former, bearing on a truth already defined, is infallible, like the definition. The latter, on the contrary, can rest only on two foundations: the speculative reasoning of theology, or the intuitive and experimental sense of the faith, both absolutely fallible without a definition of the Church, the sole beneficiary of the promise of infallibility " *(L'Évolution homogène du dogme catholique,* vol. I, pp. 370-1). Speaking properly, faith and the gift of understanding are by nature infallible, but the man in whom they reside is not, and without the magisterium of the Church he is bound at times to confuse them with things other than themselves.

5 *Die Einheit,* pt. i, ch. ii, §10, p. 34.

revelation of God". Similarly on the supernatural plane, says Moehler, the Christian is to keep clear of egoism, the instigator of heresies, by entering into the organic community of the faithful, so as to find the true Christ.[1]

II. Why Does the Church Believing Recognize Herself in the Hierarchy?

Moehler's fundamental insight is undoubtedly sure, great and fruitful. Its expression, as I have suggested, is at certain points insufficiently thought out. To make it complete we must see Christian communal living, organic life in Christ, as, in an essential and absolutely indispensable respect, the effect of an influx coming from the Trinity and from the heart of Christ, *by means of the hierarchy.* We must see the hierarchy, that is to say the powers of order and of jurisdiction, as acting, ministerially no doubt but uninterruptedly, for the existence and continuance of the Church, the home of orientated sacramental charity. We must see God as ever forming the Church amongst men by a twofold action: an action creative and conservative of the substantial being of things, excluding every interposed agent; and a sanctifying action which does not draw its virtue from any of the created energies of things; this second action is in some sort humanized by passing through the sacred humanity of Christ, and reaches men —so tar at least as its deepest, most precious, most deiform effects are concerned— only through the hierarchy left by Christ upon earth. Grasping all these truths, we see how the Church, coming from Christ by way of the hierarchy, must feel a constant, profound and natural need for the hierarchy, and necessarily has an awareness of its true character as the visible envelope, the vehicle, of marvellous spiritual virtues. The created soul of the Church, the formal organizing principle of the body, is, as I have said, orientated sacramental charity. But charity, *as sacramental,* can scarcely fail to recognize its divine cause in the sacraments, which are the very means appointed to contain and communicate it. Indeed, it will have a spontaneous interior inclination to them, and will take pleasure in the very sacramentals of the Christian cultus which are, as it were, their extension and shadow.[2] Charity, *as* originally *orientated* by the influences of the jurisdictional power, will naturally be attentive to receive the declaratory and canonical decisions that come from it; it will even, up to a point, be led to divine them in advance and forestall them.

Thus we come back to an idea dear to Moehler, and can estimate its true value. This idea is that to the Christian, in proportion as he becomes more wholly Christian, the hierarchy normally appears as no alien and oppressive power, no constraint, but rather as the fruit of an inner and organic requirement of the entire Church (I say "normally", because now and again certain demands of the hierarchy—of the canonical order chiefly—may take on the character of a providential trial or even a mysterious cross). The hierarchy, that is to say the twofold power, sacramental and jurisdictional, is the cause of the Church before it is her effect, and Moehler did not sufficiently emphasize the fact. But there

[1] ibid., pt. i, ch. iii, §31, pp. 110-16. On Goethe's part in this organic conception of the world, and more generally on the genesis of the ideology' of the school of Württemberg, see Edmond Vermeil, *Jtan-Adam Mathltr,* pp. t-32.

[2] It is only materially that the sacramentals are to be likened to the sacraments; they depend formally on the jurisdictional power.

is an influence flowing the other way too, inasmuch as the quality and functioning of the hierarchy in a given period—the precise state of its historical development, the choice perhaps of its declarator)' pronouncements, the nature above all and the quality of its canonical decisions may be explained in a large measure by the state of the inner charity of the Church at the time. Wc shall therefore reverse Moehler's order, For him, the hierarchy figures first as a product of the love of the faithful [a love which therefore he cannot represent as sacramental and orientated from the outset): he writes, for example, that "the formation of the visible Church is the great work of the faithful";[2] that the bishop, or rather the episcopate, began as the expression or image of the community before impressing its influence on the latter, and becoming finally "the speaking image of a first love now forgotten";[3] that "the episcopate, the juridical constitution of the Church, etc." are only "an exterior representation" of the Church's interior essence, "the external unity having its source in the internal unity and being, as it were, its extravasation".[4] For us, it would undoubtedly be vain to conceive the hierarchy as prior in time to the love that ceaselessly beats in the heart of the Church from the day of her foundation; but of its nature the hierarchy is first of all a ministerial cause of the love in so far as this love is sacramental and orientated, that is to say fully ripened in the sun of the Christian revelation. Afterwards, by a sort of recoil, it can be effectively acted upon by this same love. Provided we are clear upon this, wc can make our own Moehler's phrase that the bishop represents as such "the manifestation and living centre of Christian aspirations to unity . . . the love of Christians realized and fully conscious"; and even that the Apostles, themselves instituting bishops before there were any great communities and without waiting for their consent, anticipated in a way "the feeling for union which would necessarily arise in future believers' . Various other expressions of Moehler's can be interpreted favourably.[5] We can agree with him, for example, that "To those who have not yet the perfect Christian spirit, the episcopal mission appears as a *law;* the bishop is there to teach them what theyr should be and what they should aim at. In their bishop they see the term, the ideal achievement of the common life. The more perfect, or those who touch perfection, those who have mastered their egoism, recognize in the bishop

1 Thus Moehler says rightly tliat the law of ecclesiastical celibacy is the spontaneous outcome of a movement of cliarity in the Church.

1 Die Einheit. pt. it, ch. 1, §49, p. 198, n. 1.

•ibid., pt. ii, ch. i, §55, p. 221.

4 ibid., pt. ii, ch. iii, §64, p. 248. The love of the Christian community being divine, the episcopate, its fruit, is also divine—" this institution is indeed a divine law and Moehler can write that the bishop, albeit bom of the community, " does not, for all that, act from a mandate received from his people; his office is at no one's beck and call, since it is not the upshot of any human convention. It is positive, and of divine origin " (pt. ii, ch. i, §53, p. 213). But this explanation remains insufficient.

5 What can wc retain of Moehler's views on the primacy of the Roman Pontiff (pL ii, ch. iv, §87, p. 260)? It is true that Christ, who never revealed anything prematurely, led His Apostles to divine, in a way, His own divine sonship before speaking of it expressly; and that He left many truths to be explained by the Church in later times as need arose. But for myself I regard the primacy of the Roman Pontiffs as having been revealed in substance from the beginning, and as having been always clearly recognized by the Roman Church. However I have admitted, outside that Church the knowledge of this dogma was obscured, and for long centuries she tolerated the canonical constitution of the Eastern Church, imperfect as it was. so that the whole true import l experience. L nfortunatcly, the schism cut across

a free fulfilment of man become *spontaneously active* in the Holy Spirit."[1] For orientated sacramental charity, which stems from the hierarchy, cannot normally feel this hierarchy as distant; it interiorizes it, takes its stamp and makes it its own, much as we make our mother tongue our own—we express ourselves through it spontaneously. There is thus a secret and indestructible harmony between orientated sacramental charity, that is to say charity in its fullest development, and the hierarchy; such a charity normally feels at ease under the hierarchy, and postulates it in spontaneous desire. When on the other hand the significance of the hierarchy is no longer understood, that is a sign that charity has grown cold in the hearts of Christians and that the spirit of schism and heresy is abroad. Thus, the affinity that knits up the hearts of the faithful with the hierarchy, although doubtless completed and perfected by an affinity of the *moral* order, arising from the virtues of religion and obedience, is at bottom, in its principle, much more than that: it is an affinity in the *theological* order arising from faith and charity. This view, which Moehler made his own and forcibly expressed, is authentically Christian.[2] But it is so only if we see that orientated sacramental charity is an effect of the hierarchy, whereas Moehler tends to reverse the terms by presenting the hierarchy as the product of collective charity.

III. Moehler's Attempt to Educe the Hierarchic Organization from Charity

The idea of the hierarchy as something used by the divine omnipotence as a ministerial cause serving ceaselessly to form the Church in the world—the idea that pervades the Treatise on the Sacraments in the *Summa* Thomas Aquinas —is absent from the organizing principle of the Moehlerian ecclesiology. Moehler made much of the other splendours of the hierarchy: the chief one escaped him. One sees it in the article that Moehler, then a young professor, published in the rheological Review of Tubingen. He criticises Katerkamp for conceiving the hierarchy as the central point around which the history of the Church turns—and indeed it is not that, but only the instrumental or ministerial cause of realities that surpass it. He sees this as equivalent to thinking that the Church, having once received the hierarchy from God, is thereby equipped to be self-sufficient till the end of time. To this he opposes "the genuinely Christian conception of history, according to which the Spirit of God remains the perpetually active principle in the Church, leading all things to the end prescribed by His Providence, all else being but means, the organ of the Spirit". In the same article Moehler writes that the hierarchy may sometimes be but a blind instrument in the hand of God (which may be true, not of the hierarchy as such, but of certain particular decisions of the canonical power), and that the hierarchy could be tempted to infidelity; whereas the divine Spirit could not possibly betray the Church. In point of fact, of course, it is precisely through the hierarchy that, in a large and

[1] §52. Visibly under the spell of the letters of St. Ignatius of Antioch, Cyprian and Athanasius, Moehler thinks of the bishop who is a saint, and sometimes forgets to distinguish the greatness of the hierarchy and the greatness of sanctity.

[2] It is a doctrine of St. Paul's that the law disappears in love, which makes it superfluous (GaL iv. 25), and St. John of the Cross could write in the middle of his diagram of the *Ascent of Mount Carmel,* that " here already there is no longer any road, because for the just there is no law". And the reason is that " the just man has become a law unto himself, and more than the law, the king".

decisive measure, the Spirit protects His Church. Undoubtedly Moehler's ideas on the hierarchy were to be rectified and deepened. But it is surprising that he was able to imagine that, for a Catholic like Katcrkamp, the hierarchy could suffice to itself and function independently of the Spirit. The fact is that the Moehlerian ecclesiology, in spite of all its greatness and generosity, simply will not allow the hierarchy its proper place.[1] And Moehler always seems to lie fascinated by the idea of the hierarchy as emergent from the common charity of the faithful.

This seems quite impossible as regards the sacramental power. It is true, says St. Thomas, that under the ''law of nature" men would have to choose their own sacramental system under the prompting of an interior grace; but as early as the patriarchs, then under the Mosaic Law, still more under the New Law, the divine love was to anticipate them with sacraments of His own choice, and these of a very much greater perfection.[2] On the threshold of *Die Einheit in der Kirche* the mention of Baptism, Communion and Imposition of Hands prompts the remark that no one can claim them for his own since they were handed down to us by a community to which one has to be aggregated in order to receive life. The same thought is taken up further on: "Just as the Apostles received from Christ the mission to preach the Gospel—a mission they could never have bestowed on themselves—so no one will ever be able to bestow such a mission on himself. The Church alone can bestow it, and she does so through the ordainer as intermediary" (pt. ii, ch. iii, §65, p. 255). But here Moehler unsuccessfully tries to furnish an explanation of ordination; unsuccessfully, for he simply achieves a straightforward return to the Lutheran conception: "Ordination, as far as appears externally, is nothing else than an official recognition by the whole Church of what one of the faithful genuinely finds in his spirit, a spirit that enables him to represent the love of a certain number of Christians and to be the link between them and the body of the Church. Ordination is not so much a communication of the Holy Spirit as a recognition that the ordinand has *already* received a certain gift of the Spirit."[3]

With all the greater reason Moehler endeavours to represent the jurisdictional power, even in the extraordinary form it took in the z\postles, as an expression

[1] Even in the very fine passage cited by Père Chaillet as summing up the whole of the ***Symbolic*** the shortcomings of ***Die Einheit in der Kirche*** are not, I think, wholly absent: " It is worthy of remark that for Protestantism justification is a thing chiefly external, and the Church a thing chiefly internal; so that it is unable to bring the inward and the outward into synthesis. There is of course a logical connection; their way of seeing justification determines their way of seeing the Church: if justification is external, the Church cannot be an external society. When justification is not the inmost property of man, it lacks the energy to externalise itself in a genuinely objective Christian body. The inward Church cannot become simultaneously and indubitably an outward one. Hence that painful oscillation between the invisible and the visible Church, because justification was not conceived to be an internal thing" (***Symbclik,*** 9th ed., §13, p. 127. cf. Pierre Chaillet, S.J., Introduction to the French translation of ***Die Einheit in der Kirche***, p. xxxix). It is true that in the Catholic conception it is interior regeneration, orientated sacramental charity, which by its inner energy organizes and animates the body of the Church; but we must be careful to add that the hierarchy, inasmuch as it is the cause of this inner regeneration, is prior to it and cannot possibly be its objectification. It is also true that the doctrine of imputed justice leaves grace no energy that would be capable of exterior objectification; but it tends still more directly to the success of the thesis of the invisible Church and to the ruin of the Catholic doctrine of sacramental efficacy and more generally, of the hierarchy.

[2] III. q. 60, a. 5, and ad 3.

[3] ibid., pt. ii., ch. 3, §65.

of the charity of the Christian community. This leads him to a definition of tradition which, as he rightly feels (pt. i, ch. ii, §i6, p. 58), is not that of the general run of theologians. For them, the Apostles made use of two procedures to transmit the revealed deposit to their contemporaries: oral (Tradition) and written (Scripture). Tradition and Scripture are the only two *loci theologia* which *contain* the revealed deposit. This deposit was entrusted to the living magisterium of the Church, whose first duty is to *declare* it infallibly, that is to say to preserve and unfold it.1 Moehler considerably widened the meaning of the word "Tradition". What he calls Tradition is the Gospel living from the outset in the heart of the Christian community, the living consciousness of the Church. He is to be blamed for running together under one word so many various realities: the Apostles' charity; the living charism that enabled them to teach new revelations whether orally (whence Tradition in the strict sense) or by writing (whence the canonical Scriptures); the charity of the whole of the later Church; the Church's magisterial power; and, in a word, everything that is spirit and life as opposed to writing and the letter. This Tradition of Moehler's expresses itself, "embodies" itself, in several stages: first, during the lifetime of the Apostles, in Holy Scripture, which thus forms the first link in the "written tradition", then in the writings of the Fathers and ecclesiastical authors, who represent the succeeding links in the written tradition. What here seems to me insufficient is Moehler's mode of expression rather than his thought. But, that said, one cannot leave unquoted the fine passage in which he describes the relation of the magisterium (which he calls Tradition) to Scripture, of which he says that we must not describe it as a creation of chance just because its origins appear fortuitous to us. For what idea, he continues, could we then form of the reign of the Holy Spirit in the Church? "Without Holy Scripture we should miss the first link of the chain, which would then become incomprehensible, confused, chaotic; on the other hand, without a regular Tradition we should miss the inner meaning of Scripture, for without the intermediate links we should be unable to see how things were connected. Without the Holy Scriptures wc should have no complete picture of the Saviour, for we should lack certainty on many details and everything would melt into legend and fable; without an uninterrupted Tradition we should lack the Spirit, and so everything would be deprived of interest . . . Without the Scriptures we should not have the words of the Saviour, we should never be able to say *how* the Son of Man spoke, and it seems to me that I should not want to go on living if I could no longer hear Him speak. But without Tradition it would be impossible to say with any certainty who was speaking and what precisely it was that He announced, and the joy of savouring His words would be denied us."

Coming to the ordinary and permanent jurisdiction, we must say briefly that it is quite useless for Moehler to try to represent primitive institutions of divine origin, such as the episcopate and sovereign pontificate, as pure effects of the

1 In my *esquisse sur le développement du dogme marial: Γimmaculée conception,* Paris, 1954, I have distinguished the three principal theological senses of the word *traditio (paradosis).* The word means: (t) the transmission of the totality of the revealed deposit, made by Christ and the Apostles to the primitive Church—and by extension the whole of the revealed deposit thus transmitted; (2) in a narrower sense, the part of the revealed deposit transmitted not by way of writing but orally; (3) the transmission from generation to generation, by the divinely assisted *magisterium,* of the whole of the primitive revealed deposit. The deposit revealed by Christ and the Apostles and handed on to our own day by the magisterium is destined for the orientation of die Church's charity.

charity of the Christian communities. He says of the Church that "it is before all else an effect of Christian faith, the outcome of the living love of the faithful united by the Holy Spirit" (pt. ii, ch. i, §49, p. 193); that "the active power, communicated to believers by the Holy Spirit, fashions for itself the visible body which is the Church, and conversely, it is the visible Church which receives and carries this higher power in order to communicate it." One accepts these expressions, of which the pages of *Die Einheit in der Kirche* are full, but explains them by saying that orientated sacramental charity, which is an effect of the hierarchy, fashions from within, not the hierarchy, but the very body of the Church. And if in the word Church we include both the life of the faithful and the exercise of the hierarchic powers, both the "Church believing" and the "Church teaching'*, the Church, thus understood, has for her created soul, for the immanent formative and organizing cause of her body, not only orientated sacramental charity, but everything presupposed by it, that is all the spiritual powers of the hierarchy and the secret motions of the Divinity that set these powers in action. We may very well sum up all these various spiritual elements under such names as interior energy, life, and so on; but they are certainly not to be reduced to values of the order of charity alone.

IV. Conclusions

The Church is the living abode of the Spirit, of *uncreated* love; she contains Him and He is the infinite energy at her centre, creating, conserving and sanctifying her whole being *ab instrinseco.* But also He overflows and transcends her at all points, containing her as the sea contains a sponge.

Again, the Church is the living abode of spirit, of love, that is, of *created* charity. Moehler, arguing against Schleicrmacher, says forcibly, "We shall always recognize, and could cease to do so only if the Church herself should cease to do so, that the spirit of the whole, her *esprit de corps,* the spirit of union, and all the truth and glory she possesses, are effects of the operation of the Holy Spirit within her; but we shall never say that the spirit of wholeness is the Holy Spirit, the Divinity Himself. No: the Church has never fallen into the strange contradiction of taking the Holy Spirit for her own *esprit de corps,* or feeling for union."[1] The same thought already appears in *Die Einheit in der Kirche**. "The *unique* spirit of the faithful is the operation of the *unique* Spirit of God" (pt. i, ch. i, §i, p. 5). Precisely. But here Moehler has to be completed. The created spirit and love, effects of the uncreated Spirit and Love, are poured out into the very core of the Church and there maintained by means of spiritual powers, "embodied" however and made visible—namely, the hierarchic powers of order and of jurisdiction. And that is why this spirit, love and charity attain in the Church an intensity and plenitude unknown before, and incapable of existence outside her visible frontiers.

Is it still possible, as Moehler desires, to represent the Church as "the exterior effect of an inner creative energy" (pt. ii, ch. i, §49, p. 195), as the body, the expression, "the envelope, the exteriorized image of the spirit" (pt. i, ch. i §1, p. 4)? Certainly. Moehler was completely right; his fundamental intuition is profound, as old as Christianity and eternally fruitful. SP

All that is required is a good definition of this inner creative energy of which the Church is the reflection. Either it is the Spirit, Love, and Indweller of the

[1] Cited, by Pierre Chaillet, in *L'Eglise est une, hommage à Moehler,* p. 211.

Church, her Soul and uncreated Form;[1] and then we shall have to say that the Spirit fills His Church with spiritual gifts, charisms of all kinds, that charity holds the first place among them but that they cannot all be identified with charity without confusion. Or else the inner creative energy causing the Church consists of die created gifts deposited in her by the Spirit. That, more often than not, is Mochler's thought. We do not have to reject it; we merely have to make it precise.

The Church may be taken to mean simultaneously the indissoluble complex formed by the life of the faithful and the hierarchical activities, by the "Church believing" and the "Church teaching". In this case the inner energy' that quickens her external activities is multiple. It comprises not only the supernatural virtues, but also the hierarchical powers and all the motions that go with them respectively. The error would be to overlook this diversity, and to try' to account for the exterior action of the hierarchy by the simple virtue of charity.

And the Church may be taken to mean only the Church believing (always, it is true, indissolubly united to the hierarchy, whose proper effect she is). In this case the interior energy quickening her actions and organizing her body is indeed ultimately charity, as Moehler says, but charity under the plenary form which Christ came to give it—orientated sacramental charity, which feels itself intrinsically harmonised with the hierarchical powers of order and jurisdiction.

St. Thomas put all these notions into their proper places. "What is preponderant in the law of the New Testament," he says, "that whereon all its efficacy is based, is the grace of the Holy Spirit".[2] However, other exterior elements are essential although secondary.[3] First there are the means to this grace itself, which has to be brought to us—and these are the sacraments;[4] moreover, it has to be orientated, and thus we have the rules of faith and morals.[5] Then we have all the external activities flowing from the operation of this grace, "opera exteriora quae ex instinctu gratiae producuntur".[8]

1 " Aci hoc igitur quod ipse Deus per essentiam cognoscatur, oportet quod ipse Deus fiat*forrrai* intellectus ipsum cognoscentis . . (St. Thomas, *Compendium Theologiae,* cap. cv).

5 **I-II,** q. 106, a. i.

' "Exteriora opera", q. 108, a. 2.

4 loc. cit., a. i.

5 q. 106, a. 2.

4 q. 108, a. i.

APOSTOLICITY, PROPERTY AND NOTE OF THE TRUE CHURCH

i. APOSTOLICITY CONSIDERED AS PROPERTY

i. "APOSTOLIC CHURCH" THE NAME IN ITS PLENITUDE

I. ‘‘Roman” is one of the names for the authentic Church. It is not her complete name.

The Church is orientated towards the truth, both speculative and practical, by a virtue which comes from heaven through the heart of Christ, then through the jurisdictional or pastoral power. This last resides, in its entirety and primarily (which does not mean exclusively), in the permanent person of Peter, in whom the universal episcopate, the universal pastoral power, is for ever attached to the Roman episcopate. Thus the true Church is *Roman.*

In virtue of the sacramental power of order, she can still do what Jesus did at the Last Supper, and thus unite herself validly and liturgically with the sacrifice of the cross, perpetually offered in a bloodless manner from one end of the world to the other; through the sacraments she can communicate to the soul that grace which is the root of faith and of charity. Because of this the true Church is *sacramental.*

For all their grandeur, the names ‘‘Roman Church”, and ‘‘Sacramental Church”, are still inadequate. They designate the true Church by the two divine powers without which she could neither propagate nor maintain herself. But the adequate name, naming the Church in the fullness of her reality, naming her by her efficient and conserving cause, is *Apostolic.*

3. APOSTOLIC MEDIATION AND APOSTOLIC SUCCESSION

To maintain that the true Church is apostolic is to maintain that she depends, as heat on fire, on a spiritual virtue residing in the Holy Trinity and thence descending by stages, first into the humanity of Christ, then into the two-fold power, sacramental and jurisdictional, of the apostolic body, and finally to the Christian people. Where we find this mediation, this chain of dependence, there we find the true Church (composed, it must be added, of the just who are to be saved and of sinners who arc to be damned). Where this mediation is lacking there also the true Church is lacking; there may

bc inchoate ontological membership, of itself salvific, but certainly not fully achieved ontological membership, of the true Church. No link of the chain can bc omitted or even changed. The Godhead is eternal; Jesus Christ is the same yesterday, to-day and for ever (Heb. xiii. 8), and to the end of the world He will assist the apostolic body (Matt, xxviii. 19-20). An eternal God, an immortal Christ, an indefectible apostolic body, lastly, the generations of the faithful—that is the evangelical order.

But the apostolic body can be indefectible only in virtue of an uninterrupted succession. Suppose it had failed, and then been replaced by another institution to all appearances identical: apparently nothing would have been altered, but in point of fact everything would have been subverted; and this would quickly become apparent. Naturally, both God and Christ would remain untouched; but the institution claiming to take the place of the apostolic body and separated from it by a break, would be a new institution, and could not be that indefectible institution set up in the world by Christ. It would therefore inherit none of the mysterious privileges attached by Him to the true apostolic body; it would have but a simulacrum of the power of order, a simulacrum of the power ofjurisdiction, and any appearance of permanency would be illusory. From this standpoint, the need for an uninterrupted succession in the apostolic body, *aposlolicae successionis praerogativa,*[1] is obvious. Without it, the last link of the chain by which the Church is suspended would be broken, and the divine apostolicity of the Church would have foundered.[2]

Consequently, to say that apostolicity is a property of the Church means that the Church results from the apostolic body as from her proper immediate cause—the immediacy being supposital—her proper ulterior cause being first the humanity of Christ and finally the Trinity. Thus apostolicity marks the dependence of the Church on her divine causes, and above all on the nearest of those causes.[3]

3. THE VIRTUE OF APOSTOLICITT

Wc may think of apostolicity as the power that gives birth to the Church.

Wc should then define apostolicity as "the supernatural virtue (formal aspect) which, to form the Church (final cause) among men (material cause), comes down from God (first efficient cause), then from Christ (instrumental cause conjoined to the Divinity), then from an apostolic body preserved by an uninterrupted succession (instrumental cause separate from the Divinity).[4]

The definition "separate instrumental cause" associates three notions

1 Pius IX, Denz. 1686.

1 To the *succession* and the *mediation* there correspond respectively the *continuity* and the *instrumentality* of which I have spoken above, p. 500, n. 1.

3 It belongs to hcr *rafionc causalitatis, secundum fierscitaten quarti modi.*

4 The words " instrumental cause *' are here taken in a large sense, since only the sacramental power and not the jurisdictional is strictly instrumental. We could say "ministerial cause".

necessary to apostolicity: first that of a mediation by which God continues to sustain His Church, and whose elements are Christ and the apostolic hedy; next that of a body, the mediation being entrusted not to isolated individuals but to an organic group capable of retaining a continuous personality in spite of the death of its individual members; and lastly that of the uninterrupted succession of this apostolic body. Why? The reason must be sought in the fact that the last link of the chain which is to bring the apostolic virtue to men, namely the apostolic or hierarchic body, was instituted by Christ Himself to endure till the end of time. Composed, in the line of order, of bishops, priest and ministers, and in the line of jurisdiction of a supreme pontificate and a subordinated episcopate, the hierarchy is a mediate, organic and permanent institution. Hence the virtue that forms and conserves the Church, the apostolic virtue, cannot flow freely unless the primitive grouping of the apostolic body remains unaltered and continues uninterruptedly. Otherwise it would be hindered either wholly or in part, and the Church would either be mutilated or unable to exist at all.

4. THE PROPERTY OF APOSTOLICITY CONSIDERED IN THE CHURCH BELIEVING

But apostolicity may be thought of, not as a power giving birth to the Church but as a property of the Church.

It will then be defined as "the property belonging to the Church in as much as she results from a supernatural virtue received from God through Christ and through the apostolic body persisting uninterruptedly"; "the apostolic body" meaning the hierarchy established by Christ in bishops, priests and ministers (according to the power of order), and in the supreme pontificate and subordinated episcopate (according to the power of jurisdiction); so that wherever the apostolic body is mutilated or absent the property of apostolicity is mutilated or absent.

Such, it seems to me, is the most comprehensive evangelical idea of apostolicity as a property of the Church.

5- *THE PROPERTY OF APOSTOLICITY CONSIDERED AS IN THE CHURCH AT ONCE BELIEVING AND TEACHING*

It is the Church as found in *all* the faithful, the Church believing and loving, sometimes called the Church taught, which arises from the apostolic body as from hcr proper cause. But we can extend the meaning of the word "Church" still further so that it covers at once both the community of the faithful and the hierarchic powers, the Church taught and the Church teaching.[1] Then the hierarchic powers, hitherto considered as exterior to the Church, are brought within her. Being essentially spiritual—though outwardly manifested—they directly pertain to the created soul of the

Church; while the visible inequalities they bring with them pertain to the body of the Church. Pertaining to the Church's soul are (i) the sacramental powers of Baptism, of Confirmation, and of Order; (2) the jurisdictional power itself along with the right orientation it bestows on all those who listen to it with faith and obedience; and (3) sacramental grace. In other words, the powers of order and ofjurisdiction, conferred first on the Apostles and handed down without a break to our times, are a constitutive and permanent element in the created soul of the Church; which soul, by structural necessity, is therefore hierarchized or apostolic. From this standpoint the Church is called apostolic, not, as before, because she depends on the apostolic body as on an extrinsic cause; but because she contains the apostolic body in her own being, because she bears in her own interior the divine powers of order and jurisdiction, received from the Apostles by way of an uninterrupted succession. It is in virtue of her essence that she is apostolic or hierarchic.[1] Apostolicity can then be defined as "the property belonging to the Church owing to the presence within her (resulting from a supernatural virtue coming from God through Christ) of the hierarchic powers of order and jurisdiction, preserved since the time of the Apostles by uninterrupted transmission".

6. *APOSTOLICITT AS AN OBJECT OF FAITH*

From every standpoint, the property of apostolicity is mysterious. It is faith alone, not reason or history, which teaches us that from its source in the Trinity a divine virtue passes through the soul of Christ and then through the hierarchical powers, to dispense supernatural salvation to the world and to gather into one the people of God.

The hierarchic or apostob'c powers, which endow the Church with her hierarchic or apostolic character, arc in themselves pure mysteries, objects of faith, not of sight. Undoubtedly we can verify historically the uninterrupted continuity of certain doctrinal teachings such as the great dogmas, and of certain exterior rites such as the Mass and the sacraments. But to believe that these teachings are the infallible, albeit analogical, expression of mysteries hidden in the heart of God, to believe that these rites communicate the power to perpetuate the unique redemptive sacrifice and to sanctify men—this would in no way be possible without the divine virtue of faith. If the hierarchic or apostolic powers are transmitted by visible rites which leave their traces in the sands of history, they remain nevertheless intrinsically outside the reach of historical, rational or psychological investigation; and the hierarchic or apostolic character stamped on the true Church is no less mysterious than is the true Church herself. We believe in apostolicity as we believe in the Church, *credo . . . aposlolicam Ecclesiam.*

[1] Apostolicity pertains to her no longer ***ratione causalitatis,*** but ***ratione format, secundum perscitaUm secundi modi.***

II. APOSTOLICITY CONSIDERED AS A MARK. OF THE TRUE CHURCH

I. PRELIMINARY REMARKS

A. The Properties Mysterious, the Notes Miraculous

In its principle, therefore, apostolicity is mysterious and an object of divine faith; but in its outward manifestations it becomes a sign distinguishing the true Church. Thus the life, death and resurrection of Christ are pure mysteries in their essence, but in their outward showing they are miraculous signs.

Similar language must be used of the unity, catholicity and holiness of the Church: in respect of their principle they are mysteries, in virtue of their visible effects they are miracles. The soul of the Church is altogether invisible, mysterious, an object of faith alone, yet this soul by vivifying the social body of the Church, transforms it, illuminates it, lifts it above all other social organisms so as to make it a permanent social miracle. Equally the properties of the Church (which have their roots in her soul) are in their principle invisible and mysterious; but in the measure in which they are imparted to her body they begin visibly to appear as observable objects, and to become so many dirinc signs or marks. Unity, sanctity, catholicity, apostolicity arc properties which under one aspect remain invisible and mysterious; but, being reflected in the body of the Church, they become visible and present themselves as miracles. When these properties are treated from an apologetic standpoint we are led to abstract from their mysterious roots and to consider only their risible manifestation in the body of the Church and their miraculous nature. Then it is that in all strictness, they may be called signs, marks or notes of the true Church. Thus, in my opinion, the concept of ‘‘property” is more comprehensive, and the concept ‘‘note”, more restricted.1

B. The Metaphysical Connection Between All the Properties and Between All the Notes

The essential properties, of course, cannot be separated from the essence; they arc distinguished from it conceptually, but identified with it in reality. Where apostolicity exists, there also are unity, catholicity, sanctity: and conversely.

» Some consider, on die contrary, that the concept of ‘‘note" includes the concept of ‘‘property,” to which it adds that of visibility. If one adopts th- other viewpoint, it is so as to keep in mind that since the Church is at once mysterious and visible, her essential properties are also at once mysterious and visible. Catholic theologians who, at the time of the Reformation, were concerned to describe the notes that mark the true Church, were forced, I think not to enrich the property concept, but to isolate its visible aspect so as the better to emphasise its importance.

This applies also to the notes, which are simply the properties "in so far as these are externally apparent and known".1 One note is enough to indicate the true Church, but where this one note is, there are all the others.3 It is possible to consider them separately however, since, though identical in reality, they differ conceptually. They arc manifold aspects of one and the same reality too rich to be seized in a single concept.

C. The Place for the Properties and Notes in the Treatise on the Church

In the Treatise on the Church, the properties and notes appear as a corollary to the study of the four great causes of the Church: apostolicity, pertaining to the efficient cause; unity and catholicity to the formal and material causes; and sanctity to the final cause.

Clearly it will always be allowable to detach any of these notes from the Treatise on the Church and to study it apart, either for the purpose of doing so more minutely or the better to bring out its interest for some particular period.

D. Whether the Notes are to be Found Imperfectly in the Dissident Churches

Insofar as the dissident Churches carried away with them fragments of the true Church and still retain genuine Christian elements, something of her nature may still be found there, in a debased state; and therefore also something of her influence.

The notes may then in a manner be present, no doubt attenuated and altered, even in the dissident Churches. Far from demonstrating the ineffectiveness of these notes to indicate the true Church, this imperfect presence attests the existence of remnants of the true Church in the very core of the sects that have left her. They enable us to recognize, under the débris, something of the splendour of the original design.

Catholic apologists have often recognized the presence of signs of a Christian origin in the separated Churches. They have even proposed to call them "negative notes", that is to say notes accompanying the true Church but insufficient to reveal her. It is, I think, preferable to think of them as debased or mutilated notes. When compared with the notes in their state of perfection and integrity they witness at once to the presence of

1 " Proprietates ipsae dicuntur *notae* in ordine ad nos, quatenus nempe proprietates illae extrinsecus patentes et cognitae, nobis notificant veram Christi Ecclesiam " (T. M. Zigliara, O.P., *Propaedeutica ad Sacrani Theologiam*, Rome 1903, p. 404).

3 " The true Church of Jesus Christ, by virtue of a divine authority, is constituted and made manifest by that quadruple note in which we affirm our belief in the Creed; and each one of these notes is joined to the others in such a way that it cannot be separated from them; so that the Church, which is and is truly called, catholic, must be glorious with die prerogatives of unity, sanctity and apostolic succession at one and the same time " (encyclical of the Holy Office, i6tb Sept. 1864, Denz., 1686).

Christian elements in the dissident Churches and to the alteration they have undergone.

One may say, for example, that the Oriental Churches, where the power of order has been validly transmitted, possess a partial and mutilated apostolicity.

E. Apostolicity as Note

Let us therefore consider apostolicity as a note. It is important to remark that it can become a sign of the true Church for two kinds of enquirers:

a. For those who already believe that Christ and the Apostles brought the definitive religion to the world. Then the proof by apostolicity supposes that the enquirer accepts a datum of the faith; and apostolicity, for him, is a mixed sign, appealing in part to faith and in part to reason. It is thus that it enters into the argumentation, famous from the early days of Christianity, called by Tertullian the argument from prescription.

b. For those who as yet accept no datum of the faith it is a pure sign, appealing solely to reason.

2. *APOSTOLICITY* AS *A MIXED SIGN, OR THE ARGUMENT FROM PRESCRIPTION*

The consideration of apostolicity as a mixed sign (the argument from prescription) is called by certain apologists the *via historica.*[1] *I* think, however, that this name, which seems to indicate a purely historical argument and fails to fix attention on the mixed character of the argument from prescription, cannot but give rise to misconceptions; and for that reason I shall not make use of it.

A. Continuity A Sure Sign of Truth

If it be admitted that Christ and the Apostles brought the world the definitive religion that came from heaven, then, of two things, one must be true:

[1] This last is described thus by Gustave Thils: "The apologists endeavour to show, by the examination of ancient documents, that the Catholic Church is really this indefectible Christian Church, which appears in history as a society, one, visible, permanent, hierarchically and monarchically organized; the *via primatus* is a mere simplification of this first way, since, neglecting the other types of historical continuity, it would establish the truth of the Roman Church simply by proving that her head is the only bishop who can legitimately call himself the successor of Peter" (*Les notes de l'Église dans l'apologétique catholique depuis la Réforme*, Gembloux 1937, p. x). Does that sufficiently bring out the essence of the argument from prescription? Moehler insisted, with real depth of insight, on the fact that what he calls Tradition—the living doctrine and faith of the Church as a whole—is not obliged to prove its titles: "It presupposes the truth into which each soul is to penetrate. Its aim is to exclude those who would propose as Christian conclusions that are foreign to the teaching of the Church. That is why the Fathers of the Church stigmatized these attempts as novelties." When, he says, the Christian refuses to accept a new doctrine, he does so because it contradicts his conscience as believer, and the conscience of the whole believing community in which he was bom to the faith. In the face of heresy "the Christian is not alone; he has die unbroken belief of the entire Church at his side, as the historical basis of his feeling. Those who are not integrated in the unbroken traditional faith cannot invoke the argument from prescription" (*Die Einheit in der Kirche,* pt. ii, ch. ii, §§12 and 13, pp. 42 and 46).

either, this religion will continue in this world without interruption, and will therefore keep its divine and supernatural character intact;

or, this religion will be interrupted, and what then succeeds it will be due to human initiative, which can only come from below.

Continuity is a sure mark of truth; rupture a sure mark of falsity.

B. Two Signs of Rupture: *a.* Dissidence *b.* Innovation

A rupture can be positively demonstrated in two ways: by dissidence or by innovation.

a. First, by dissidence, separation, schism. But at the moment when two Churches separate, each claims to be the true Church of Christ, and each accuses the other of dissidence. Is there any mark enabling us to recognize which of the two is the Church of Christ and which the dissident?

The ancients replied: the Church of Christ is that where universality is found. "The sect of Donatus," wrote St. Augustine, "is found in Africa, the Eunomians arc not in Africa; but the Catholica is there, like the Donatists. The Eunomians are in the East, the sect of Donatus is not; but the Catholica is there like the Eunomians. She is like a vine that, growing, spreads everywhere; they are like useless shoots, cut back by the owner of the vineyard because of their sterility, so that the vine may be pruned, not amputated. Where the shoots have been cut off, there they lie."[1] And again: "The heretics, some here, others there, come into conflict with Catholic unity spread abroad everywhere. For whereas the Church they have left is to be found everywhere, they have not succeeded for their part in penetrating everywhere; and they cry out, according to the prophecy: *Lo, here is Christ,* or *There is Christ."*[2] The road to be taken is shown us by the "decisions of the universal Church", "the unanimous authority of the universal Church", the "authority of the whole world *[universi orbis auctoritas]* ", the "consent of the universal Church".[3] St. Vincent of Lerins, in his turn, reminds us that wc have to hold to what is believed everywhere and by all, *quod ubique, quod ab omnibus:* "We shall follow the universality if we confess as alone true the faith confessed by the whole Church throughout the world."[4]

Now this was certainly not because it was thought that numbers alone could decide the question of truth, especially of such a truth. But everyone knew that Christ had sent the Eleven to "all nations" (Matt, xxviii. 19), that they were to be His witnesses "in Jerusalem, and in all Judaea and Samaria, and even to the uttermost parts of the earth" (Acts i. 8), that Paul had received "apostleship for obedience to the faith in all nations" (Rom. i. 5), and that the seven Churches to whom St. John wrote symbolise the universal Church.[5] They knew also that while the true Church was set up

1 *Sermo* **XLVI,** cap. viii, 18.
2 *Contra Cresamium,* lib. **III,** cap. bcvli, 77.
3 *De Baptismo Contra Donatistas,* lib. **II,** cap. 1, no. 2; cap. iv, no. 5; lib. **VII,** cap. iiii, no. 102*
4 *Commonitorium,* **II,** 5 and 6.
' St. Augustine, *Epist.* **XLIX** 9 2.

by God for all peoples, the other Churches, in the measure in which they depart from her, are set up by men to answer the divergent aspirations of places, times and cultures; so that the divine Church will normally be able to show, on the whole and over all the centuries, more Christians than any of the dissident Churches. They believed nevertheless that it was not altogether impossible for the dissidents at a given moment to be more numerous than the faithful. St. Augustine recalls that at the Council of Rimini "the faith of many was deceived by the guile of a few", although "the liberty of the Catholic faith" prevailed a short while after;[1] and speaking of the same Council St. Vincent of Lerins opposed the attitude of "almost all the world" infected by the poison of Arianism, to that "of the true disciples and true adorers of Christ" who preferred the old faith to faithless innovations.[1]

What are we to conclude? Geographical and numerical universality, the *quod ubique, quod ab omnibus,* will often be a fully sufficient criterion to mark the true Church and distinguish her from schism. Fourteen centuries after St. Vincent of Lerins, Newman was to recount in unforgettable pages of the *Apologia Pro Vila Sua* how deeply his soul was disturbed when, in the situation in which the Donatists of Africa and the Monophysites of the East once stood in relation to the great Church, he recognized the very situation of the Church of England of his day? However, because lhe true Church is mysterious in her essence and in the mode of her diffusion, it may happen in other circumstances—likely to become more and more common nowadays when errors, like truths, make the circuit of the world in a moment and insinuate themselves everywhere—that the criterion of universality will remain ambiguous and will need to be supplemented by another; that, for instance, of fidelity to the faith of our fathers.

Or rather this criterion may stand in need of more exact definition. For the universality which carries weight here is, as Vincent of Lerins says, that "of the true disciples, the true adorers, of Christ", or, to use the Gospel image, of the true sheep of Christ. Will they be recognizable by some sign distinguishing the true faithful from the false? Undoubtedly they will, granted that Christ confided His sheep to Peter, that He set Peter over His Church, and commanded him to confirm his brethren in the faith. The true faithful will be found amongst the faithful gathered round Peter; the true universality will be that of which Peter is the centre; where Peter is, there will be the Church? The criterion of universality will then attain that strictness which lhe progress of our time makes desirable. And thus the

[1] *Contra Maximinum,* lib. 11, cap. xiv, 3.

[1] *Commonitorium,* IV, 3.

[1] See Excursus XII on Newman's conversion.

[1] " It was to Peter that Christ said: *Thou art Piter, and on this rock 1 trill build my Church.* Where therefore Peter is, there is the Church: where the Church is, there is no death but eternal life. That is why He added: *And the gates of hell shall not prevail against it; and I trill give unto thee the keys of the kingdom of heaven.* Blessed Peter, against whom the gates of hell have not prevailed, for whom the gates of heaven are not closed, but who, on the contrary, has destroyed the antechambers of hell and opened the heavens! Standing on the earth he opens heaven and shuts hell " (St. Ambrose, *Enarr. in Psalm.,* XL, 30; P.L. XIV, col. 1082).

argument from universality taken as a sign of apostolicity will receive its final touch from the Gospel prophecies concerning Peter; the *quod ubique, quod ab omnibus* is given its last precision by the *quod ab Ecclesia romana.* In this way the *via apostolicitatis* leads into the *via primatus.* And wc may see a sign of it in the fact that St. Augustine, who had so often appealed to the universality of the true faith against the heretics, was himself, after St. Ambrose's example, expressly to invoke the authority of Rome against the Pelagians: the resolutions of the Councils of Carthage and Milevis, he says, "have been sent on to the Apostolic See. Decisions have come from thence. The cause is ended. May it please God to end the error."[1]

b. The existence of a rupture may be proved also by innovation, whereby divine things are made to pass for human or human for divine, according as it adds to or takes away from the revealed deposit. What has been divinely given to the world once and for all, ought to be kept without addition or subtraction. The supreme revelation, given by Christ and the Apostles, is not to be transformed. The definitive institutions coming from Christ are not to be replaced. Where we find antiquity there is the Church of Christ.

The Donatists maintained that the Church, in whose communion St. Cyprian had remained, was Catholic only because she too had members who held that Baptism conferred by heretics was null and void and that converts had to be re-baptized. "What then," replied St. Augustine, "did the Church not exist at all before Agrippinus, with whom this new custom began? Or again, after Agrippinus, when there had been a return to the primitive custom—without which Cyprian would not have called for another Council—was there then no Church? Did it cease to exist because the baptism of Christ was considered still to be the baptism of Christ even though conferred among heretics and schismatics? But if the Church existed even then, and has not perished through any breach of continuity but on the contrary has held its ground and increased among the nations, surely it is safest to abide by this same custom which gathered up good and bad alike into unity. But if there was then no Church in existence because sacrilegious heretics were received without baptism and this was the general custom, whence has Donatus made his appearance? From what land did he spring? From what sea did he emerge? From what sky did he fall? And so we, as I had begun to say, are safe in the communion of that Church wherein that custom now universally prevails as it similarly prevailed before the time of Agrippinus, and in the interval between Agrippinus and Cyprian."[2]

St. Vincent of Lerins likewise appeals to what has always been believed, *quod semper'.* "We follow antiquity" he adds, "if we depart in no point from the sentiments manifestly shared by our holy forbears and fathers";[3] and he specially praises those who, at the Council of Rimini, "preferred the ancient faith to faithless innovations, and so kept clear of the contagion of the plague."[4]

[1] *Sermo CXXXI, to.*
[2] *De Baptismo Contra Donatistas,* lib. III, cap. ii, 3.
[3] *Commonitorium,* II, 6.
[4] ibid., IV, 3.

But how are we to understand the *quod semper?* Does it mean that along with the divine substance of Christianity we must immutably preserve the accidental forms under which it first appeared, and that out of respect for the past we should sacrifice the future? Or does it mean that—provided eternal truths are held inviolate and the divine substance of Christianity preserved—the future can freely succeed the past? Again does it mean that, by the will of the Holy Spirit, the primitive Church received the deposit revealed by Christ and the Apostles, as a doctrine completely unfolded from the first and incapable of any subsequent development; or does it mean that, by the will of the Spirit, the primitive Church received the deposit as a source of endless fecundity, destined gradually to bring forth its consequences in the course of ages, as suggested in the Gospel: "Therefore every scribe instructed in the kingdom of heaven is like to a man that is a householder, who bringeth forth out of his treasure new things and old" (Matt. xiii. 52)? Must it not be said with Newman, as by Soloviev,[1] that the idea of development is the only one that enables us to seize the whole logical sequence of Christian thought?[1] To these questions the ancients had their reply. St. Augustine assures us that "while the hot restlessness of heretics stirs up questions about many articles of the Catholic faith, the necessity of defending them forces us both to investigate them more accurately, to understand them more clearly and to proclaim them more earnestly; and the question mooted by an adversary[2] becomes the occasion for instruction."[3] He explains that "even general Councils are often bettered by those that follow them, when actual events bring things to light which before were concealed and things become known which previously lay hid."[4] St. Vincent of Lerins has the same doctrine. Immediately after recalling St. Paul's anxious words to Timothy, that is to say to the universal Church—' O Timothy, keep the deposit, avoiding profane novelties" he goes on, in a famous chapter of the *Commonitorium*: "But we are asked perhaps: Is then religion in the Church of Christ incapable of progress?—But surely there must be progress and that not a little! Who would be so much man's enemy and God's as to try to prevent it? We must make this reservation however, that the progress shall

[1] " It would be futile to conclude on this account [the dissimilarity between acorn and tree] that trunk and branches and leaves will later be supplied artificially from outside, to deny that the acorn can produce them, to deny the tree itself and admit the existence only of the acorn as we see it. It is equally unreasonable to deny the more complex, more clearly manifested forms which divine grace assumes in the Church and to want to go back to those of the primitive Christian community " (God, Affln *and the Church,* p. 151).

[3] If the heresies seek to bring Christianity back to its origins, it is because they' overlook this fundamental law of life. They proceed mechanically. For them, say's Moehler, " Christianity is something that was wholly achieved, finally and immutably formed' from the start. After that, they entertain the illusion that a biblical, a Gospel Christianity can be dug up again, even should it have disappeared for a hundred or a thousand years. What would they say of one who, losing his reason for a period of years, but enjoying from time to time certain recollections of infancy', should accuse the others of deviating and want them to return to a state of infancy with him? " *{Die Einheit in der Kirche,* pt. i, ch. iii, §i8, p. 69).

[3] *De Ciiitate Dei,* lib. XVI, cap. ii.

[4] *De Baptismo Contra Donatistas,* lib. II, cap. iii, 4.

be a genuine progress and not an alteration of the faith *[profectus non permutatio].* We have progress when a thing grows and yet remains itself: we have alteration when a tiring becomes something else. Therefore let intelligence, knowledge, wisdom grow and make great progress, both those of individuals and those of the collectivity, those of a single man and those of the whole Church, down the ages, down the centuries—but on condition that this be exactly in accordance with their particular nature, that is to say continuing in the same dogma, the same meaning, the same thought."[1]

The rule of antiquity excludes alteration, but not progress. And often, no doubt, it is easy to recognize alteration, innovation, transformation. But on other occasions, which the passage of time, it seems, will bring about more frequently, doubts may very well arise. Then the rule of antiquity will need to be supplemented by that of universality; and, in point of fact, the two rules are used together by St. Augustine and St. Vincent of Lerins.[3]

Or it may well be that the rule of antiquity needs to be given greater precision. It is not the preservation of any deposit whatsoever, or any continuity simply in itself, that suffices for proof of the truth, but the preservation of the divine deposit, the uninterrupted transmission of the powers entrusted to the Apostles, the permanence of the true doctrine. What does that mean? The continuity that is a mark of the truth will be that of the Church against which the gates of hell do not prevail and of the Churches in communion with her. The argument from antiquity taken as a mark of apostolicity thus becomes fully rigorous; but it is by resorting to the prophecies concerning Peter—the *quod semper* is made precise by the *quod ab Ecclesia romana.* Once more the *via apostolicitalis* leads into the *via primatus.* Thus, having to give an example of the proof by antiquity, St. Vincent of Lerins takes it "preferably from the Apostolic See, so that all may see as clearly as day with what vigour, what zeal, what efforts the blessed successors of the blessed Apostles have defended the integrity of the traditional religion", and he repeats the famous words of Pope Stephen against those who proposed to re-baptize the heretics: "Let them innovate in nothing, but keep the traditions."[3] Before him, St. Ambrose said of the Novatians: "They have

[1] XXIII, 1-3.

[2] For example, in Chapter xxvii of the *Commonitorium,* in which, summing up his doctrine, he recommends the children of the Church to follow " universality, antiquity, general consent If the part should revolt against die whole, novelty against antiquity, the particular opinion of one or some against the unanimous opinion of all Catholics or of the great majority, let diem prefer to the corruption of the part the integrity of the *universality;* within this same universality let them put the *ancient* religion above all profane novelty; and within this antiquity itself, let them set above the rashness of some one man, or of a very small number, first the *general decrees* of an universal Council, if there was one; and, if not, let them follow the next best diing, namely the *concordant opinions* of many eminent doctors. By observing this rule, God aiding us, widi fidelity, prudence and zeal, we shall be able to recognize without great difficulty all the pernicious errors of the heretics." Vincent remarks in Chapter xxx, that at the Council of Ephesus it was enough to show the agreement of ten Fathers or principal Doctors of the Church, to attest the faith of the Church.

[3] *Commonitorium,* iv, 2 and 6. Vincent *reserves* the tide *of Papa* for the Popes. Till dien it had been given to all bishops.

not the heritage of Peter who have not the seat of Peter, rent by their impious division."[1]

To sum up, the tw'0 signs which sen e to reveal a breach with the Christian religion, to wit, dissidence and innovation, gradually become explicit and precise in a single sign, more immediately apprehensible—separation from the Roman Church. The clearest and strictest criterion of genuine apostolicity is communion with Peter. But even before bringing the argument from apostolicity to this last degree of definitiveness, even before giving their final precision to the notions of universality and antiquity it brings into play, it could be successfully employed to recognize the Church founded by Christ and the Apostles. The Fathers early made use of it; and in the last century it was several years before admitting the Roman primacy that Newman remarked that the Anglican Church, lacking universality, had all the appearance of a sect.

From this viewpoint, I find myself in accord with both P. de la Brière, who would define the notes of the Church without any reference to Rome, with a view to bringing believers from without to the Roman Church ;[3] and P. de Guibert, who considers that "romanity" alone gives the other notes their full force.*

C. Witnesses Appealing to Continuity of Doctrine or of the Hierarchy

It is of interest to study the use made by the first apologists of the proof by apostolicity. They regarded it as indicating at the same time where both the divine doctrine and the divine hierarchy are to be found. They fused together, in a way, the question of the continuity of doctrine *{apostolicitas doctrinae)* and that of the continuity of the hierarchy *{apostolicitas hierarchiae}.* And it is true that these two questions, though mentally distinguishable, are closely bound up with each other in reality. Let us consider some texts, the first dwelling rather on continuity of doctrine and the rest on that of the hierarchy.

a. If there is a truth not invented by men but brought into the world by Christ and His Apostles, nothing but a faithful transmission could have brought it down to us. Wherever there is innovation, wherever the religious experience of some new prophet alters the doctrine hitherto received by all Christians, or where in the name of Scripture itself it is sought to give Scripture a wholly different meaning, then you substitute, for the doctrine revealed once and for all by Christ and His Apostles, a doctrine newly

[1] *De Poenitentia,* lib. I, cap. vii, 33; P.L. XVI, col. 476.
[1] Art. " Église ", *Diet. apol. de la foi cath.,* cols. 1278-9.
[3] " The four notes, or at least the first three, postulate the note of ' romanity not for their material but their formal existence. For nothing save communion with the Roman Pontiff successor of Peter, provides the true principle of unity, and prevents the Church from splitting up into various national Churches, and, above all, imparts apostolicity of succession to the other Churches " (Z)/ *Christi Ectlrsia,* 1926, p. ill).

invented by men. We see why continuity is a mark of truth. It is the rule that was followed from the beginning. "I did not go to those who brought in strange precepts," said Papias towards 130, "but to those who kept to the precepts given by the Lord and coming from the Truth itself . . . I did not believe that what comes out of books can profit us so much as that which comes from a living and abiding voice."[1] At the end of the second century we have the same testimony from Clement of Alexandria: "Like a man turned into a brute—as were the victims of Circe—he who repudiates the ecclesiastical tradition and embraces human heresies, ceases to be a man of God and becomes unfaithful to the Lord."[2] To the many heresies of his period, though he did not refuse to examine them eventually in detail, Tertullian began by opposing what he calls "prescription", that is to say a refusal of further argument because the authentic rule for the recognition of Christ's truth transmitted to us had been abandoned. "If Jesus Christ, our God," he says, in the *De Praescriptione Haereticorum,* "has sent the Apostles to preach, no other preachers are to be heard save those He has sent: for *no man knoweth the Father save the Son and He to whom the Son will reveal him,* and it does not appear that the Son revealed Him to any but to those Apostles whom He sent to preach—and to preach of course, what had been revealed to them. But what did they preach, and what things had He revealed to them? To know this wc must have recourse to prescription and turn to the Churches which the Apostles themselves founded, the Churches they taught first *viva voce,* as they say, and later by their letters. It is therefore clear that all doctrine in accord with that of the Apostolic Churches, these matrices and original sources of our faith, is to be regarded as true and as containing what those Churches received from the Apostles, the Apostles from Christ, and Christ from God . . . And it remains for us to show that the doctrine we have resumed above comes of the Apostolic tradition, so that the other doctrines, by that very fact, come from lying tongues. We communicate with the Apostolic Churches, our doctrine is none other than theirs, and that is the mark of the truth."[3] Tertullian, as we perceive, holds that the mark of the apostolic doctrine is that it is believed by the *totality* of the Apostolic Churches. Still more precisely, it must have been *always* believed: "The order of time shows that that is divine and true which has been handed down from the beginning; that that is alien and false which has been added later. That is the prescription which disposes of all the heresies started in later days—they can make no assured claim to the truth."[4]

b. The apostolic doctrine is the doctrine taught by the Apostolic Churches, that is to say by the Churches linked with the Apostles who were their immediate or mediate founders by way of an unbroken succession. The Apostles received certain hierarchical powers from Christ the Incarnate

1 ***Apud Eusebium, Hist. Ecd.,*** lib. III, cap. xxxix; P.G. XX, col. 297.
2 ***Stromata,*** lib. VII, cap. xvi; P.G. IX, col. 544.
3 ***De Prescript.,*** xxi.
4 ibid., xxxi, 3-4.

Word to be handed down from generation to generation, notably the power to preserve the revealed doctrine and preach it unaltered to the world. It is clear, then, that wherever the apostolic succession is, there is the apostolic doctrine. But in the early centimes it was easier to produce conviction by bringing out the historical continuity of the hierarchy than by showing the organic continuity of the doctrine. That is why the first apologists set out to prove the second point by means of the first. "If it is a question of doctrines that claim to go back to the Apostles," wrote Tertullian, "and to have come down from them because they have existed ever since, we shall say: Let them show the origin of their Churches, let them show the succession of their bishops, and how their first bishop was installed and preceded by one of the Apostles or by one of those apostolic men who persevered in the communion of the Apostles. For thus it is that the Apostolic Churches present their records: as the Church of Smyrna shows us Polycarp placed therein by John; and the Church of Rome can point to Clement, ordained in like manner by Peter."[1] And again: "Run over the Apostolic Churches where the very Chairs of the Apostles, remaining still, continue to preside; where their own authentic letters, being read, allow us to hear their voices and observe the ways of each. If you are nigh to Achaia, you have Corinth. If you are not far from Macedonia, you have Philippi. If you reach Asia, you have Ephesus. Touch on Italy, and you have Rome; to whose authority we too have recourse. Happy Church, on whom the Apostles have poured out all their doctrine along with their blood, where Peter endured a passion like his Lord's, where Paul was crowned with a death like that of John the Baptist; where the Apostle John, having arisen unscathed from the boiling oil, was condemned to exile in an island! Let us see what she has learned, what she has taught, what she certifies along with the Churches of Africa."[2]

A little earlier, to the Gnostics who made their own the Pauline text: "We speak wisdom among the perfect" (1 Cor. ii. 6) and claimed that the Apostles, besides the common doctrine set out in Scripture, taught an esoteric wisdom to the perfect ones, St. Irenaeus (d. 202) replied that the Apostles would have taken care to hand on all this wisdom to those above all whom they placed at the head of the Churches and who were to become their successors. What then is the tradition of the Apostles? For those who are ready to receive the truth it is easy to come by. It is to be found throughout the world, and can be recognized in each of the Churches. And neither the bishops instituted by the Apostles nor their successors up till now have ever known anything resembling the aberrations of the Gnostics; one could enumerate them. "But since it would take too long to set out here the successions of all the Churches, we shall turn to that great, ancient and universally known Church founded and organized at Rome by the two most glorious Apostles Peter and Paul, and we shall show that the tradition it has received of the Apostles and the faith that it preaches to men has come down to our time through the regular succession of its bishops; and thus we

[1] *De Praescriptione,* xxxii, 1-2.

[2] ibid., xxxvi-JODcvii, 1.

shall confute all those who, in whatever way, whether by self-complacency, vainglory, blindness or error, enter into unauthorized assemblies. For it is with this Roman Church, by reason of its more powerful pre-eminence, that every other Church, that is to say all the faithful everywhere, ought to agree, inasmuch as the apostolic tradition has been preserved by these faithful."[1] Having then set out the names of twelve Bishops of Rome through whom, as he puts it, "the apostolic tradition in the Church and the preaching of the truth have come down to us", Irenaeus passes to the Church at Smyrna, whose aged bishop, Polycarp, installed by the Apostles themselves, he had known in his youth, then to the Church at Ephesus founded by Paul, and where John resided. "After such proofs there is no need to seek of others the truth it is so easy to obtain from the Church; since the Apostles, like a rich man depositing his money in a bank, have deposited in her the fullness of all truth, so that who wills may drink of the waters of life."[2]

Why then bring forward several Churches? Are not all the Churches founded by the Apostles assured of infallibility? No. Even if a Church be apostolic it can collapse like the Church of Jerusalem. It can be perverted; the Church of Ephesus was founded by St. Paul, and was threatened by God: "But I have somewhat against thee because thou hast left thy first charity. Be mindful therefore from whence thou art fallen: and do penance, and do the first works. Or else I come to thee, and will move thy candlestick out of its place, except thou do penance" (Apoc. ii. 4-5). For it was not to each particular Church, but to the universal Church that the divine promises were made. The proof from antiquity needs to be completed by that from universality. This was recognized from the beginning. And from the beginning also, to discover where universality was to be found, with a sure instinct—the texts of Irenaeus and Tertullian just cited are a sign of it—men turned to Rome, to the Church of the Apostles Peter and Paul.

D. Whether the Proof of the Apostolic Succession Concerns the Power of Order Only, or Jurisdiction as Well?

Schism and heresy were soon to be temporarily installed in the Churches of Antioch, Constantinople, and Alexandria, in Africa and so on. Then came the great schism between East and West. It then became apparent that the divine hierarchy could be tom in two in certain regions. It remained whole and undivided no doubt in the true Church. But in the Church that fell away into schism only a portion of it survived. There the jurisdictional or pastoral power was interrupted; but the power of order, nevertheless, could be validly perpetuated.

Thus the proof from the apostolic succession could have two distinct applications; one when these words "apostolic succession" are given a new and more restricted sense, and one when they are taken in the more comprehensive sense we know already.

[1] *Contra Harrises,* lib. III, cap iii; P.G. VII, col. 84s.

[2] ibid., coL 855.

a. In the first case the argument from apostolicity will indicate, with an exactitude that might be called material, the presence or absence of the power of order and of the Christian cultus in a Church. Wherever its transmission has been unbroken, there the power of order continues to exist and the cultus is validly celebrated. Apostolicity, to that extent, is safeguarded. But it is a partial and mutilated apostolicity,[1] since apostolicity of jurisdiction is missing.[2] Moreover this partial apostolicity is constantly threatened, for belief in the sacraments and in the Eucharist, being no longer protected against new attacks by the infallible magisterium of the Sovereign Pontiff, is liable to weaken and to drag down the power of order in its own. ruin.[3] Wherever, on the contrary, there has been a break in transmission, we must conclude to the absence of the power of order, to the invalidity of the eucharistie sacrifice and of the sacraments, save Baptism and Matrimony. An interruption of this nature is still relatively easy to verify'. Thus, Anglican Orders have been declared to be invalid because the sacerdotal consecration, and therefore also the episcopal, having been defective during a period of a hundred years, the amendment inserted later in the Ordinal remained without effect; the breach of continuity was here irremediable.[4]

ii A.

b. In the second case, keeping all its extension, the proof from apostolic

1 It would be gravely erroneous, remarks Billot, to restrict the question of apostolic succession to the validity of ordinations (*De Ecclesia Christi,* Rome 1921, p. 345). A purely material continuity, such as that observed in the Anglican or Swedish Churches, where invalidly consecrated bishops have supplanted the authentic ones, might be called an apparent apostolicity; one which results in the valid transmission of order alone, as in the Graeco-Russian Churches, might be called a partial or mutilated apostolicity; and where there arc both powers of order and jurisdiction we might say plenary' apostolicity. Apparent apostolicity is purely exterior; partial apostolicity might be called material apostolicity, and the plenary' might be called formal. But if theologians agree here in substance, they do not always use the words " material " and " formal " in the same way.

5 If it is true that spiritual jurisdiction, the pastoral power, resides, not indeed exclusively but totally and primarily in the Supreme Pastor of the Christian flock, then *in principle* it ceases to exist in an episcopate that breaks with him: " The bishops would lose the right and the power to govern/' says Leo XIII, in the Encyclical *Satis Cognitum,* " if they wilfully separated themselves from Peter and his successors." However, in point of fact, the dissident Churches that have kept the power of order, such as the Graeco-Russian, can, by express or tacit concession of the Sovereign Pontiff, possess a partial but genuine jurisdiction. I have pointed this out already and it should be borne in mind.

3 As a sign of the always possible disintegration of the traditional belief in the Graeco-Russian Church, we may recall that belief in the Immaculate Conception of Our Lady was peacefully preserved in the Greek Church till near the end of the fifteenth century, and that it disappeared from the sixteenth century onwards, partly, though undeniably, through the influence of Protestantism. Similarly, the " dcutcrocanonical" books of the Old Testament were received as inspired after Photius up to the eighteenth century; from then on they were openly rejected by the Russian Church, and then by numerous Greek theologians. That is the natural tendency' outside the Catholic Church.

4 Leo XIII, letter *Apastolicac Curae,* on Anglican ordinations, September, 1896. Thirty years before, in his *Apologia Pro Vita Sua,* note E, Newman wrote on the subject of the Anglican Church: " As to its possession of an episcopal succession from the time of the Apostles, well, it may have it, and if the Holy See ever so decides, 1 will believe it, as being the decision of a higher judgment than my own; but . . . antiquarian arguments are altogether unequal to the urgency of visible facts '—that is to say to the manner in which Baptism and the Eucharist are administered, and her own apostolic succession so often denied, in the Anglican Church.

succession will indicate where wc may find to-day the plenitude of the hierarchy and the true Church. We have to go back through the course of history, seeking to follow step by step, not simply some particular Church or group of particular Churches, but the one Church that has always been orthodox, the one Church against whom the gates of hell shall not prevail, the one Church assisted to teach all nations and to endure till the end of the world—the one universal visible Church. How shall we recognize her?

Sometimes she will be plain for all to sec. But when great storms rage and schism rends the faithful, where shall wre look for her? Is there any certain sign by which wc may know her? Has divine revelation said nothing on the point? Wc know that the word "universal" is to be taken in a qualitative sense, that it designates the true sheep of Christ scattered throughout all the world. Sitting on the right hand of God, Christ directs them from heaven. But who is to feed them on this earth, to govern them in His name, and bring them together into one sole Church? It was to Peter that the promises were made. Open the Acts of the Apostles, written to show that the Holy Spirit is Himself the Principle of the whole Church, and what do we find on the opening pages? A new and startling fact: Peter's authority over the Church. The Apostles were dispersed. Peter left Jerusalem. Soon after we see the first Christian Churches, still docile under the mighty impulse they have received, begin to turn their eyes to the Church founded at Rome by the Apostles Peter and Paul. In her lies the power to rule the universal Church. That power, as time goes on, will have to put forth its virtualities. The meaning of Christ's words to Peter will become ever clearer. The universal Church, the apostolic Church, will appear ever more and more explicitly as the Church of Peter.

E. Modernism and the Argument from Prescription

The argument from prescription arises from the innermost nature of Christianity. Heresy has not usually dared to reject it in principle, but rather to contest its applications in detail. To-day, Modernism attempts to get rid of it once and for all; but it has to sacrifice the substance of the Christian religion in doing so.

It is not to be believed, say the Modernists, that God has revealed through Christ and the Apostles any definitive truth to be received by the intelligence and preserved intact for ever. All that God did—in so far as it is possible to speak about God at all—was to move the soul of Christ and the souls of the Apostles, and these then attempted to translate their experience into more or less happy conceptual formulas, not in the least to be taken for a "divine law" or as binding on later generations. A genuine apostolicity therefore does not consist in the handing down of an unaltered doctrine; it consists in a re-living by each one of us of that experience of divine things which Christ and the Apostles lived so admirably, and in translating it perhaps for ourselves into a new conceptual synthesis, better adapted to a changing world.

The marks of apostolicity will therefore rather be innovation than tradition, doctrinal fluidity rather than the immobility of a *credo.* And why indeed should we be so bent on clinging to a past which possessed neither our wealth of experience nor our sense of history? Must we not say here too: "The real ancients are ourselves"? And the apostolicity of the hierarchy is to be understood like apostolicity' of doctrine. It is not to be sought in any uninterrupted transmission of supernatural pow'ers. It consists in Christian zeal, going about to form, as need dictates, the exterior organizations demanded by changing times.

This conception was put forward at the Protestant congresses of Stockholm and Lausanne. It obviously makes a clean sweep of the argument from prescription, but it upsets the whole Christian edifice at the same time. What it calls Christianity is something essentially different from what was called by that name in the past. It is therefore decisively disavowed by history.

Nor is it in conformity with Scripture, with the original idea of the Christian revelation. The charity' that appeared in Christ and in the Apostles is the model for all future charity among Christians, and these are bound to open their hearts to the divine graces with which Christ and the Apostles were filled: "Be ye followers of me as I also am of Christ," St. Paul was to say (i Cor. iv. 16; xi. i). But Christ, being God, and the Apostles, standing at the sources of the Church, enjoyed privileged graces not to be shared by future Christians. The Word of God was sent on the day of the Annunciation, to be united to the human nature of Christ; and the Holy Spirit was sent, on the day of Pentecost, to give the Apostles the fullness of light. The term of the first mission was Christ, who is die Head ; that of the second was the Church, which is His Body. It was then that the religion of the Incarnation was founded and the final revelation given to the world. It is vain, according to Scripture, to expect from the spirit of prophecy any other religion than the one then founded, any other revelation than the one then given. Until the end of the world the Saviour will assist His own that they may teach all nations all things He has commanded them. St. Paul himself was to hand down what he had received, and forbade any expectation of salvation from any new outpouring of the spirit of prophecy; "Though we, or an angel from heaven, preach a Gospel to you besides that which wc have preached to you, let him be anathema" (Gal. i. 8) ; "O Timothy, keep that which is committed to thy trust" (t Tim. vi. 20) ; "Keep the good thing committed to thy trust" (2 Tim. i. 14).

3 APOSTOLICITY AS PURE SIGN: THE MIRACLE OF THE PERPETUITY OF THE CHURCH

Even n the eyes of those who do not yet know its divine foundation by Christ and the Apostles, the true religion offers a sign that time can only bring into stronger relief, a sign attesting that a divine and mysterious virtue sustains it in the world: its miraculous perpetuity.

APOSTOLICITY

"The Church," says St. Thomas, in his exposition of the Apostles' Creed, "has four marks; she is one, she is holy, she is catholic or universal, she is strong and stable *[fortis etfirma]."* Her solidity, which comes of the foundations on which she is built, namely Christ and the Apostles, appears outwardly in the fact that neither persecutions, errors, nor the assaults of the devils have been able to overturn her. The Vatican Council consecrated this doctrine when it recalled that the Church, by reason of her sanctity, her catholic unity, and her triumphant perpetuity, *invictam stabilitatem,* is herself a great and standing motive of credibility and an irrefragable witness of her own divine mission.[1]

I translate *stabilitas* by persistence or perpetuity rather than by stability; which latter might seem to add the note of immobility to that of permanence. For the Church is living. Her hierarchy, while remaining in substance the same, will, according the needs of the time, show a greater or lesser centralisation, a greater or lesser complexity, and so on. The sacrificial and sacramental cultus, whose substance is permanent, may be embodied in different liturgies. Doctrine itself may develop and we may speak of the evolution (homogeneous) of Catholic dogma. St. Vincent of Lerins himself, at the beginning of his *Commonitorium,* formulates the famous rule that "in the Catholic Church we must hold to what has been believed everywhere, always, and by all"; but he knows that in the Church of Christ religion must make progress, provided only that progress is distinguished from alteration, "the mark of progress being that a thing grows while still remaining itself, and that of alteration being that it becomes something else"; and he adds the example of a man who, passing from infancy to adolescence, remains the same person. Lastly, the ecclesiastical communion, while faithfully retaining its essential type, will undergo numerous accidental variations according to times, peoples and cultures. To indicate at once both permanence and progress one must therefore speak of the persistence of the Church.

Let us run over rapidly the persistence of the hierarchy, and then that of doctrine and communion.

A. Persistence of the Hierarchy

The Church first appears as a hierarchically organized body, composed of Pope and bishops who, in the exercise of an unexampled mission, have governed for twenty centuries, in an unbroken succession, an ever-growing society, surviving all cultural revolutions such as those that provoked its penetration into the Roman Empire, the barbarian invasions, the discovery of new continents, the advent of the modern world. In his *History of Pope Innocent III,* written when he was still a Protestant pastor at Schaffhausen, Friedrich Hurter brings out, from the standpoint of pure history, and not, as he tells us, from any dogmatic or polemical point of view, the remarkable persistence of the Papacy. "When we cast our eyes backwards and forwards

[1] Denz. 1794.

over die course of history, when we note how the institution of the Papacy has survived all the other institutions of Europe, how it has seen the birth and death of all the states, how, in the ceaseless metamorphoses of human things, it stands alone in showing always the same spirit, ought we to be astonished if so many regard it as the rock whose head rises unmoved above all the surging waves of die ages? "* In every age however there have been great men, the "prophets of this world", who have predicted the end of the hierarchy, the end of the Papacy, the end of the Church. It was never the end of the Church; it was only the end of a world, the end, it may be, of a Christendom.

It must be admitted that persistence of this kind is beyond the power of human prudence to produce. To make that clear we should have to follow in close detail the comparison that Pascal, for example, sets up between human sociedes and the Church. "States would perish if their laws did not often yield to necessity. But religion has never suffered thus, and it has never made use of it. But either it must have such compromises or, in compensation, miracles. It is not strange that states preserve themselves by yielding, and this is not, properly speaking, maintaining themselves; and still they perish at last: there is not one of them that has endured for a thousand years. But that this religion should be always maintained, and that inflexibly—this is something divine." Either compromises or miracles. Frommel does not hesitate. "The political ideal which rules a given period decides under what form religious unity shall be realized. From this general principle we infer that the Churches of the future will manifest Christian Catholicity in conformity with the political ideal of their time."2 There speaks the wisdom of this world. But the persistence of the apostolic body, which will go on till the end of the world, already represents, in our own day, a sufficient challenge to the laws of time to make its miraculous character perceptible.

B. Persistence of the Teaching

The apostolic regime has effects which perhaps are even more admirable. The first is the persistence of a teaching, both speculative and practical, whose principles were formulated once and for all at the beginning of Christianity, and which is still capable, without ever going back on itself, of bringing

1 *Gachichu Papst Innocent des Dritten,* Hamburg 1834, vol. I, p. 79. A little above, the author, always abstracting from dogmatic considerations, sees in the medieval Papacy " a spiritual power whose origin, development, growth and influence is the most extraordinary phenomenon in the history of the world."

5 Gustave Frommel, *Études religieuses et sociales,* Saint-Blaise 1907, p. 298. So also further on: " If on the one side it is historically certain .. . that the Church gets its effective constitution and its mode of realizing its basic unity from the prevalent political ideal; if, on the other, it is true that the political ideal to-day is that of democracy, and that democracy is the inescapable form of future governments, we conclude that the ecclesiastical constitution which is called to realize the Christian Catholicity of the reformed evangelical Churches of the future—for only these are in question—must be sought in the democratic ideal. And, to say it at once, the ecclesiastical equivalent of political democracy may be defined as a federated Congregationalism" (p. 308).

high, comprehensive, and practically applicable answers to the burning problems that life puts before us to-day.

The persistence of such a doctrine, and its adoption by men of all times and conditions, is not to be explained by some spontaneous tendency of human nature—as for example we might explain idolatry, whether in such particularized forms as animism, fetishism and so forth, or generalized as in the several varieties of pantheism. The minor effect of this teaching is to bring out fully into the light all the highest rational truths which mankind had allowed to be obscured—God, at once sovereignly distinct from, and marvellously present to, the world, man serving society as individual but above society in virtue of his immortal soul, etc. Its major effect is to propose mysterious doctrines, which absolutely surpass the scope of human intelligence, yet not only do not contradict reason, but remain in the line of its speculative velleities. For belief in the mysteries of the Trinity, of the Incarnation, of grace, of the sacraments, of the beatific vision, even of sin and damnation, appears on examination as a belief not *against* reason, but *above* reason, yet in *accord with* reason too; that is to say, as something which, while respecting reason's essential and constitutive laws, rises higher than reason is able to do, and does not destroy reason but exalts and completes it; as appears in speculative theology in what are called reasons of congruity or of fitness. This doctrine persists and preserves its identity, not as a dead thing does, but as a truth that is living and definitive; it ceaselessly develops the riches it contains and brings them out into the the light of day. The spectacle of this doctrinal continuity is absolutely unexampled in the world. It can be fully recognized only by men enlightened by faith, for it spells a "hidden wisdom" touching things that the eye of man has not seen, nor his ear heard, nor his heart divined, and bears on an object so high that it infinitely surpasses either the powers or the exigencies of any created intellect; and yet it already dazzles minds which, even without the light of faith, arc able to appreciate this miracle of a doctrine, rich but coherent, living but stable and for ever the same, soaring and sober, "foolish and wise".[1] It is a truth ever old and ever new which, whether it is rediscovering the catacombs or returning after an absence of ten centuries to African soil, finds in either place ocular evidence of its own miraculous persistence. Opening the first Council of rearisen Christian Africa, Cardinal Lavigeric could say: "All has passed away on our African soil, all the generations, all the empires. The Church, exiled from these shores, has been involved all over the world in cultural movements, in revolutions, migrations, and all the diverse ideas of different peoples. To-day she returns to dwell among us in peace, and turning up the deep soil of the centuries she finds in the monuments she left there the shining proof of her faithful guardianship of the truths entrusted to her keeping."[2]

[1] At the source of the miraculous development of this Christian doctrine may be noted the miracle of a monotheism which remains unaltered even when the plurality of the Divine Persons has been revealed, cf. J. Lebrcton, S.J., *Les originis du dogme de la Trinité,* Paris 1919, e.g. pp. 342 and 436.

[2] *Oeuvres du cardinal Lavigerie,* Paris 1884, vol. I, p. 94.

C. Persistence of the Social Communion

The second effect of the apostolic regime is the persistence of the communion, that is to say the continuity of a social bond holding together in spiritual fellowship so many millions whom weaknesses within and assaults from without are forever tending to drive apart. Within, arc the abiding internal sources of schism and heresy—pretexts, futile and specious; errors, unconscious and wilful; passions, personal and national; slights, pretended or real. From without comes the violence of persecution, or the seduction of the spirit of this world. In spite of it all the Church retains the original form of her unity, the organic form. She has not denied it for the idea of a Church whose permanence would be invisible, nor has she exchanged it for the federative form of unity proposed by the dissident Churches to-day.

Pascal remarked more than once on the astonishing character of this permanence. "We have seen so many schisms and heresies spring up, so many States overturned, so many changes in all things; and this Church, which adores Him who has always been adored, has subsisted without interruption. And what is wonderful, incomparable, and altogether divine, is that this religion which has always endured has always been opposed. A thousand times it has been on the eve of total destruction, and each time it has been in this condition, God has raised it up by some extraordinary' stroke of His power. It is astonishing that it has maintained itself without yielding or submitting to the will of tyrants." He adds: "Let people say what they will, it must be confessed that the Christian religion has something astonishing about it. It is because you were bom in it, it will be said. So far from that, I rather gird myself against it for this very reason, lest this prejudice suborn me. But, although I have been born in it, I do not fail to find it so."

I do not propose to develop, but simply to sketch, the argument from the persistence of the Church. A complete exposition would belong rather to apologetics than to the treatise on the Church. It could be technically complete only if the general laws of the development of civil societies on the one hand, and of pre-Christian and post-Christian religious societies on the other, were more fully explored and compared. Thus we might observe in detail the transcendence of the Church of Christ.

For this purpose we should have to take up again on a wider basis the comparative studies in natural and supernatural sociology which Père Schwalm began, doubtless with too much confidence in the theses of the "School of Social Science", but of which he saw the need and divined the fruit.[1]

[1] He wrote in the *Rrjue Thomiste* (1894, pp. 176-78): " The Church is a living organism: her materials change, her surroundings change, and so she changes herself were it only to assimilate these materials and adapt herself to these changing surroundings. But is that the whole truth? Do not these changes in the Church show special characters, unique characters, absolutely incommunicable characters? . . . What then becomes of the claim to reduce the evolution of the Church to merely natural laws? The truth is that it cannot be done . . . An institution that propagates herself, establishes herself, acclimatises herself everywhere, without ever splitting up or altering,

But however desirable and however profitable they may be, no technical studies arc really necessary to convince men unshakably of the transcendence of the Church—not only men who believe her to be the Church of the Word Incarnate; Hurter, Newman and Soloviev were not yet Catholics when they saw the miracle of the permanence of the Papacy. The fact is there for any historian whose mind is not closed to spiritual realities, whose judgment in ecclesiastical history is not biased—for example by the Protestant thesis of the invisibility of the divine Church—and who is ready to investigate the hidden reason for the mutability of human societies and the unvarying persistence of the Church. Then perhaps he will look with new eyes on the judgment of Gamaliel on the new-born Church: "If this counsel or this work be of men, it will come to nought. But if it be of God, you cannot overthrow it: lest perhaps you be found even to fight against God" (Acts v. 38-9).

III. THE APOSTOLICITY OF THE CHURCH FORETOLD

Here we touch on the third way of discerning the true Church. It consists essentially, I believe, in a comparison of the image of a Church presented as divine and definitive by the New Testament, and of the Church which after twenty centuries claims to represent her.

This comparison must naturally bear on the deeper characteristics, the vital realities, for the Church, like all living things, only remains what she is by developing. The more we penetrate into the mystery of the New Testament, and into a knowledge of the intimate structure of the Church, the more surprising does the likeness appear, the more clearly we see it as the fulfilment of a prophecy.

Doubtless the dissident Churches, the Eastern Churches especially, may show a certain structural conformity with the Church of the New Testament. But, as I have tried to show, this likeness, besides remaining incomplete, simply bears witness to those elements of the true Church which they have retained.

i. THE NEW TESTAMENTS PREDICTION OF A HIERARCHY CONCERNED AT ONCE WITH TEACHING AND WORSHIP

A new miracle is added to those we have noted. The apostolicity of the Church was prophesied in the New Testament. Even if we content ourselves

is certainly no simple natural product of any particular milieu. She evolves; but under a law completely opposed to the common law of the evolution of races and their institutions. Every race, every institution, transforms itself and becomes something other whenever the surrounding conditions are changed . . . But when the Catholic Church goes out from this old Europe, when she enters the New World, she adapts herself to the new milieu and assimilates its living forces without ever ceasing to be herself . . . The Church evolves therefore, but according to a law that is not natural. That is why in theology we regard the historical and social fact [of the persistence of the Church, or again of her Catholicity] as a note, that is to say a visible sign and an effect proper to her supernatural constitution."

with the most external and obvious meaning of these writings, we shall be struck by the correspondence between the organization they set forth and that observable in the Church of to-day. If we seek out the deep mystery of this Church as presented in Scripture, the force of the prophecy is all the greater. Gather up the great affirmations of the New Testament on the point that occupies us—namely the way in which the visible Church ofJesus is caused and perpetuated in the world—and what do we find? A hierarchy endowed with a sacerdotal power to perpetuate Christ's sacrifice until He shall come again, *donec veniat,* and to dispense the sacraments; and with a pastoral power to teach and govern the faithful until the end of history, *usque ad consummationem saeculi.*

a. At the source of the new religion we perceive the presence of an ineffable act of love enveloping the whole of mankind and externally expressed in a visible sacrifice. To the religion of the Old Law succeeded not a religion without a sacrificial rite, but a religion whose sacrificial rite is of such perfection that it supersedes all the sacrifices of the past. This rite is offered by a Man who is not only priest according to the order of Aaron, but One who, in virtue of a real and physical union with the Godhead, is really and physically consecrated priest according to a new and unheard-of order. One sole and single sacrifice goes up to heaven, and brings eternal redemption to the world. To deny this amounts to rejecting the Epistle to the Hebrews.

As soon as this bloody sacrifice begins to be enacted its whole substantial reality is made mysteriously present in the Cenacle by Christ beneath the appearances of a bloodless rite. The Aposdes are commanded to offer, not a new sacrifice, not even, to speak formally, to renew a sacrifice which in its single act is decisive, but to repeat for all time till Christ shall come again a bloodless rite which will bear the substantial reality of the bloody sacrifice to every generation. Henceforward Christ, re-ascended into heaven, was to use the Apostles and their successors as visible instruments for the renewal of the bloodless rite offered by Him alone at the Last Supper, and containing all the reality of the bloody sacrifice. In this appears His power and their power, the sense in which He is Priest and they are priests. His power is absolute; their power is relative, instrumental, ministerial. He alone is the true Priest, they are the instruments of the true Priest. If a man denies the relation of the bloody sacrifice to the bloodless sacrifice, of the absolute priesthood to the instrumental priesthood of those by w'hom it is continued, he must reject the most direct interpretation, which is also the traditional interpretation, of the passages of the Gospel and of St. Paul on the institution and perpetuation of the eucharistie sacrifice.

Jesus, consecrated as Priest, had obviously the power to bring the purifying redemption into each soul by a word, a gesture. But, ascended into heaven, He chose to reach individual souls through certain instruments called sacraments, and on those who are the ordinary or even exclusive ministers of these He bestowed a share of His sacerdotal power; that is to say, besides the power of consecrating the Eucharist, that of remitting sins, of confirming,

of ordaining. If a man denies that, once more he must reject the most direct interpretation, which is also the traditional interpretation, of the texts of the Gospel on the power of binding and loosing, of remitting or retaining sins, and of the texts of the Acts and of St. Paul on the power of imposing hands on those to be confirmed or ordained.

From these texts, of which I merely remind readers here, it results that the true Church of Christ is to be born of a hierarchy marked in the image of Christ with a sacrall character, handed down from generation to generation, thanks to which His sacrifice and sacraments are to be perpetuated for all time.

b. At the source of the new religion we shall sec also a public revelation, made by Christ and the Apostles, perfecting that announced of old by the prophets. The successors of the Apostles are to be assisted by Christ in authoritatively proposing this revelation to all nations till the end of time. The power of Christ, the Gospels add, is to come to them through one of their number who is to be the supreme pastor of Christ's sheep, who is to confirm them in the faith, and who is to be the visible foundation through which the whole Church is to rest ultimately on Christ. It follows that the true Church of Christ is to be bom of a hierarchy possessing, besides the sacral power of order, a jurisdictional or pastoral power, and proposing to the world with authority and without error the teaching revealed by Christ and the Apostles.

2. *THE GENERAL FULFILMENT OF THIS PROPHECY IN THE CHURCH*

Thus, then, a visible hierarchy, of unbroken line, at once sacral and pastoral (magisterial) in character, a hierarchy which thanks to its sacral or sacramental power acts instrumentally in dispensing to men the redemption of Christ the Priest, and thanks to its pastoral power authentically dispenses the message, speculative and practical, of Christ the Teacher, Christ the King, a hierarchy wholly ordained to form and maintain in the world the Body of Christ, the Church—that is the apostolicity prophesied in the New Testament.

Where has the prophecy been fully understood and fully realized?

First, and in general, in the Church which from the start has given herself out, not for a religion without intermediaries, but one dependent on a hierarchy which itself depends on Christ, who Himself depends on God; in other words in the Church in which the ultimate foundation (which is Christ) and the proximate foundation (which is the hierarchy) are regarded, not as opposed, but as ordered to each other.

Next, and more particularly, in the Church in which the bloody sacrifice, which is absolute and therefore unique, and the bloodless sacrifice, which is relative and designed to perpetuate the former in time, are not regarded as rivals; in which the Priesthood of Christ (which is principal) and the participated priesthood (which is altogether ministerial) are not regarded as

1 J use tliis word here to signify an ontological consecration.

mutually exclusive. And particularly, again, in that Church in which, as regards the pastoral authority, no opposition but rather the closest union is seen, first between the sovereign magisterium which brought the definitive revelation to the world at a stroke, and the subordinate magisterium which has to propose and dispense it to all ages; and then between the universal magisterium inherited from Peter, and the particular magisterium inherited from the other Apostles.

By bringing together and comparing the prophetic sketch of the true Church in the New Testament, and its living realization in a Church which has already lasted for twenty centuries, each is seen at once in a more vivid and revealing light. The scriptural prophecy is opened up for us in all the abundance and all the coherence of its content; and its living counterpart in the Church appears as the manifest outcome of a divine decree.

3. THE PROPHECY CONCERNING PETER

In the same way we can show in detail how the realization of each of the essential elements of the Church responds to a New Testament prophecy. Soloviev, for example, has thrown the most vivid light on the prophecy about Peter and his successors. He remarks that a visible Church, if called on to embrace all nations, to descend the stream of history' and to struggle with the powers of evil, will need—unless it is to be split up, changed, or wiped out—a visible spiritual power at its centre; one which is unchangeable and always on the watch. He goes on: "Now wc know on the one hand that *Christ foresaw the necessity* of such an ecclesiastical monarchy and therefore conferred on a single individual supreme and undivided authority over His Church; and on the other hand we see that *of all the ecclesiastical powers in the Christian world there is only one* which perpetually and unchangingly preserves its central and universal character and at the same time is specially connected by an ancient and widespread tradition with him to whom Christ said: *Thou art Peter and upon this rock I will build my Church, and the gates of hell shall not prevail against it.* Christ's words could not remain without their effect in Christian history ; and the principal phenomenon in Christian history must have an adequate cause in the word of God. Where then have Christ's words to Peter produced a corresponding effect except in the Chair of Peter? Where does the Chair find an adequate cause except in the promise made to Peter?"[1]

More than sixty years earlier, in 1827, Moehler, in his studies on Anselm of Canterbury, tells how the noble attitude of the primate, who took his stand upon Rome in order to vindicate the liberty of the English Church before a servile assembly of bishops and princes, had helped to show him the profound significance of Jesus' prophecy: " *Tu es Petrus* . . . these words have an extraordinary power. The scholar at his desk may interpret them in a thousand ways. But, like this English assembly, one is silenced as soon as this is

[1] *Russia and the Umtersal Church,* p. 107.

grasped in its historical truth. The science of grammar might deny me all hope of getting at its meaning, but history showed me its secret. Hundreds of cases like that of Anselm worked so strongly on my mind that all my doubts came to an end. What a spell have those words of the Saviour cast over eighteen centuries of the history of the Christian Church! I could not escape their power. Anselm never appealed to the pseudo-Isidorian decretals. It was Christ's word that determined the course of history, not the gossip of a charlatan. What this curiosity-monger had in view has vanished with the age that gave it birth, but the words of Christ remain for ever."

It is in fact almost impossible to speak adequately of the Church; one is always afraid of betraying her—not only when touching on her inner mystery, but also in setting out all that is most visible in her: her defeats, which still scandalize to-day as those that Christ suffered did in His day, and her victories, which are never those of the world and never conformable to the desires of our carnal hearts.

Miracle encircles her. It is the aureole of her deepest mystery, of the grace which is her life—not yet the mystery of a transfiguring grace, but that of a grace crucified. There is indeed only one grace, but it has two states. In the end, when its last effects are freely unfolded, it will transfigure all things, eliminating all our miseries and all our temptations. Now, its transfiguring effects arc, as it were, suppressed, as they were in Our Lord Himself in the days of His mortal life; they appeared only in limited measure, initially, under the miraculous illumination that introduced Him to the world. Its immediate end is not to transfigure but first of all to sanctify, not to dissipate our miseries but by purifying them to turn them to account. That is why the Church on earth will always present the paradox of victory in defeat, of miracle in weakness.

There is indeed, it must be repeated, enough obscurity to furnish arms to those who have made up their minds in advance to quarrel with her; but also light enough to enlighten those who seek her in uprightness of heart, and to make them feel that the shadows themselves conceal some divine design. The trials and setbacks suffered by the Church are not intended to fill the hearts of Catholics with shame or defeatism, or to produce in them any "inferiority complex"; rather, to prompt them to enter into closer union with Him whose love has transformed death into victory. The glories of the Church, her splendour, her miracles, are not meant to inflate the hearts of Catholics with vainglory and presumption, with haughty collective assurance or with any "superiority complex", but to invite them to enter more deeply into her mystery, where divinization is fulfilled in humility and on the cross.

• . . . .

The true Church, if we look at her efficient and conserving cause, is the "Apostolic Church". That is her first name of plenitude. She has others.

If we look at her from the standpoint of her end, that is to say an ever greater perfection of union with God, then she is "Holy Church". If we

consider her formal cause, the created bond that unites her, then she is the "One Church". If finally we consider her material cause, that is to say the universality of all that she is destined to gather together and to sanctify, then she is the "Catholic Church".

"We confess one Holy, Catholic and Apostolic Church ". In this declaration of the creed of Nicaea-Constantinople made in a .d . 381, the Church is named by her four names of plenitude.

To run these four names into one wc shall say that the true Church is the "Christian Church", the Church of the Word who became Incarnate that He might die on the cross. She lives, like Christ, a divine life in a body of flesh; through the mediation of Christ she is the immortal work of the God of love, *immortale Dei miserentis opus',* through conformity with Christ she tends to perfect union with God in the beatific vision.

From the highest standpoint of all, the true Church, the habitation of God in the midst *of men,* is called the Church of God, *ἡ εκκλησία τοϋ Θεόν (i Cor.* χ. 32).

EXCURSUS XII

APosTOucrrr the ground of Newman'S conversion to CATHOLICISM

(1) Newman's theological researches converged on the problem of the Church, more particularly on the problem of the apostolicity of the Church. From the Church of England, as he found it at Oxford, he received the doctrine of the visible Church. He took from Anglican theologians the idea of seizing on the rule of orthodoxy formulated by St Vincent of Lerins in the first part of the fifth century, and constantly cited since by Catholic theologians, in order to turn it against the Roman Church herself. For the principle of the monk of Lerins, like many other principles, can be taken in many distinct and even irreconcilable senses.

(2) We all know St. Vincent's famous rule: "In the Catholic Church herself we must be careful to hold to what has been believed everywhere, always and by all *[quod ubique, quod semper, quod ab omnibus creditum* er/]; for that alone is truly and properly Catholic, as the word itself indicates, which embraces the universality of things. This will be brought about if we follow universality, antiquity, general consent. We shall follow universality if we confess as the sole truth the faith confessed by the whole Church throughout the world; antiquity, if we depart in nothing from the views of our holy predecessors and of our fathers; and lastly general consent, if, within this antiquity itself, we adopt the definitions and doctrines of all, or at least the greater part, of the bishops and doctors."[1]

What now is the Catholic interpretation of this canon?

First let us note two points: *a.* The three signs of orthodoxy given by St. Vincent can easily be reduced to two: doctrinal coherence in time (that is antiquity, the *quod semper),* and doctrinal coherence in space (that is universality, the *quod ubique* and the *quod ab omnibus), b.* For St. Vincent, as for us, it is for the hierarchy, for the apostolic body, to teach the world. If therefore doctrinal coherence is

[1] *Commonitorium,* II, 5 and 6.

maintained in time and space that will be due to the assistance given by Christ to the true hierarchy, to the true apostolic body. The *quod semper* and the *quod ubique* are at once the effects and the signs of the divine and authentic apostolicity.

That presupposed, let us consider the exact meaning of the canon.

Catholic theologians remind us first that the *quod semper,* that is to say antiquity, is in no wise intended to condemn dogmatic progress. This was expressly affirmed by St. Vincent himself in the *Commonitorium:* "But we are asked perhaps: Is then religion in the Church of Christ incapable of progress? Why, surely, there must be progress, and that not a little ! Who would be so much man's enemy and God's as to try to prevent it? But yet with this reservation—that the progress shall be real progress and not an alteration: since progress makes a thing grow while still remaining itself, whereas alteration turns it into something else."[1] This means that true dogmatic progress in no wise consists in the addition of foreign matter from without, but in pure unfolding and genuine explicitation of the doctrine integrally revealed from the outset by Christ and the Apostles. The dogma of the Immaculate Conception, for example, which was not solemnly defined till 1854, was implicitly revealed from the outset and has always been implicitly believed by the Church, simply because it was really contained in another truth, explicitly revealed and believed from the beginning—namely that Mary was full of grace and was worthy to be Mother of God?

Catholic theologians remind us also that the *quod ubique,* the *quod ab omnibus,* that is to say universality, does not in any wise mean that orthodoxy is the prerogative of the numerical majority. Clearly, no majority, however great, is any sure criterion of truth: "Who does not know," writes Melchior Cano,[3] "that numbers often outweigh quality, that what pleases the majority is not always the best?" Even a majority of the bishops—so think the best theologians—can go astray, can judge otherwise than the Sovereign Pontiff in matters of faith, and even persevere in their error. Thus Melchior Cano. So also Benedict XIV who cites him: " From the fact that the bishops assembled in General Council are true judges [of the faith] it must not be concluded that the Roman Pontiff is bound to decide in conformity with a majority of these judges, and to approve their doctrine. For, as Melchior Cano says, if all the bishops are true judges, yet the supreme judgment was committed by the Lord Christ to His Vicar on earth, who is charged with the duty of recalling all waverers, many or few, to the true faith: *I have prayed for thee that thy faith fail not: and thou, being once converted, confirm*—not first one and then another, but whether a minority or a majority—*thy brethren."** The four hundred prophets of Achab did not prevail against the single prophet Micheas; and the Arian Council of Rimini did not prevail against Vincent of Capua and the few bishops who remained faithful to the Bishop of Rome. That, too, St. Vincent of Lerins did not overlook: "So, when the venom of Arianism had infected, not a mere weak party, but almost the whole world, when all the Latin bishops were allowing themselves to be seduced, some by violence, others by guile, and a sort of cloud came down over their minds and hid the true path to be followed, then all the true disciples and true adorers of Christ preferred the

1 *Commonitorium,* XXIII, i and 2.

1 cf. F. Marin-Sola, O.P., *L'Évolution homogène du fagme catholique,* 1924, vol. I, pp. 257-8, and on the dogma of the Immaculate Conception, pp. 322-31.

3 *De Locis Theologicis,* lib. V, cap. v.

4 *De Synodo Diocesana,* lib. XIII, cap. ii, 3.

ancient faith to faithless innovations, and thus kept themselves free from the contagion of the plague."[1] Consequently, the *quod ab omnibus* means that orthodoxy is always found on the side of those who, under the guardianship of Peter, make up the flock of the sheep of Christ, or, as Vincent has just said, on the side "of the true disciples and the true adorers of Christ".

There is therefore a material way of taking the *quod semper,* antiquity, which would lead to a denial of true dogmatic progress, of the homogeneous evolution of Catholic dogma. And there is a material w'ay of taking the *quod ubique,* universality, which leads to a denial that the quality of votes takes precedence over their quantity.[2] These are errors in the eyes of St. Vincent himself. Antiquity and universality are to be undent [1] formally, not materially. That directs attention perforce to the "true disciples", the "true adorers", the true sheep of Christ and to their shepherd. The visible criterion of orthodoxy, contained no doubt implicitly, but really, in the Vincentian canon, is therefore the authority of Peter, the authority of Rome. Before St. Vincent, St. Augustine had appealed already, against the Donatists, to universality and antiquity;[3] and it was he too who a little later expressly invoked the authority of Rome against the Pelagians.*

(3) But, as we have said, it was not in die Catholic sense that Newman first took up the Vincentian canon. He was persuaded that Rome had added various human and therefore heterogeneous elements to the primitive faith. He invited all those who wanted neither liberalism nor popery to seek a *via media* in the authentic Anglican Church. In his eyes, this Anglican Church alone had the note of antiquity. This, he thought, was its most obvious, most incontestable privilege. But his confidence was to be rudely shaken by history.

It was during the long vacation of 1839, while studying the history of the Monophysites, that doubts about the principles of Anglicanism assailed him for the first time. Here are his own words: "My stronghold was Antiquity; now here in the middle of the fifth century, I found, as it seemed to me, Christendom of the sixteenth and nineteenth centuries reflected. I saw my face in that mirror, and I was a Monophysite. The Church of the Via Media was in the position of the Oriental communion, Rome was where she now is; and the Protestants were the Eutychians . . . It was difficult to make out how the Eutychians or Monophysites were heretics, unless Protestants and Anglicans were heretics also; difficult to find arguments against the Tridentine Fathers, which did not tell against the Fathers of Chalcedon; difficult to condemn the Popes of the sixteenth century, without condemning the Popes of the fifth. The drama of religion, and the combat of truth and error, were ever one and the same. The principles and proceedings of the Church now, were those of the Church then; the principles and proceedings of heretics then, were those of Protestants now. I found it so,—almost fearfully ; there was an awful similitude, more awful because so silent and unimpassioned, between the dead records of the past and the feverish chronicle of the

[1] *Commonitorium,* IV, 3.

[1] Understood in this way, which remains superficial and inadequate, the *quod semper* and the *quod ubique* can provide only a preliminary indication at the most, a vague presumption. They can never amount to more than a probable—and therefore fallible—sign.

[1] u What is held by' lhe *whole Church* and what has been held *always, even* when not defined by the Councils, is rightly held to have been handed down by apostolical authority" *(De Baptismo contra Donatistas,* lib. IV, cap. xxiv, 31).

* The resolutions of the Councils of Carthage and of Milevis " have been sent on to the Apostolic See. *Inde etiam rescripta venerunt. Causa finita est. Utinam aliquando finiatur error" (Sermo CXXXI,* 10).

present. The shadow of the fifth century was on the sixteenth. It was like a spirit rising from the troubled waters of the old world, with the shape and lineaments of the new. The Church then, as now, might be called peremptory and stem, resolute, overbearing and rclendcss; and heretics were shifting, changeable . . -"[1]

Some weeks later a text of St. Augustine's on the Donatist controversy, struck him with extraordinary force: *"Securusjudical orbis terrarum,* the whole world judges surely." St. Augustine, an oracle of antiquity, having to convince the Donatists of error, did not appeal to antiquity, to the *quod semper,* but to the *quod ab omnibus,* to the actually existing Church, to the Church of the day, to the Christian world:

"Securus judicat orbis terrarum; they were words that went beyond the occasion of the Donatists: they applied to that of the Monophysites . . .[2] They decided ecclesiastical questions on a simpler rule than diat of Antiquity; nay, St. Augustine was one of the prime oracles of Antiquity; here then was Antiquity deciding against itself. What a light was hereby thrown upon every controversy in the Church ! not that, for a moment, the multitude may not falter in their judgment —not that, in the Arian hurricane, Sees more than can be numbered did not bend before its fury, and fall off from St. Athanasius—not that the crowd of Oriental Bishops did not need to be sustained during the contest by the voice and the eye of St. Leo; but that the deliberate judgment, in which the whole Church at length rests and acquiesces, is an infallible prescription and a final sentence against such portions of it as protest and secede. Who can account for the impressions that are made on him? For a mere sentence, the words of St. Augustine struck me with a power which I had never felt from any words before. To take a familiar instance, they were like the 'Turn again Whittington* of the chime; or, to take a more serious one, they were like the *Tolle, lege—toile, lege,* of the child, which converted St. Augustine himself. *Securusjudicat orbis terrarum.* By those great words of the ancient Father, interpreting and summing up the long and varied course of ecclesiastical history, the theory of the Via Media was absolutely pulverized."

This, however, was not yet the decisive light. "After a while, I got calm, and at length the vivid impression on my imagination faded away - - - I had seen the shadow of a hand upon the Avail. It was clear that I had a good deal to learn on the question of the Churches, and that perhaps some new light was coming upon me. He who has seen a ghost, cannot be as if he had never seen it. The heavens had opened and closed again. The thought for the moment had been, 'The Church of Rome will be found right after all'; and then it had vanished. My old convictions remained as before."

Two years later, in 1841, while Newman was occupied in the translation of St. Athanasius, his trouble returned. "'The ghost had come a second time. In the Arian history I found the *very* same phenomenon, in a far bolder shape, which I had found in the Monophysite. I had not observed it in 1832. Wonderful that this should come upon me ! I had not sought it out; I was reading and writing in my own line of study, far from the controversies of the day, on what is called a 'metaphysical' subject; but I saw clearly, that in the history of Arianism, the pure Arians Avere the Protestants, the semi-Arians Avere the Anglicans, and that Rome now was what it was then."

[1] ***Apologia Pro Vita Sua,*** ch. III.

[2] The Donatists were only an African sect; the Monophysites tried to array the Eastern Church against that of Rome.

Thus, for the rule of the *quod semper* as he had understood it, Newman saw himself forced to substitute that of the *quod ab omnibus.* And in each case this Christian faith held *by all,* this orthodox faith, was the faith of Rome.

(4) To those who persisted in referring him back to the *quod semper,* to antiquity, as the rule which would enable him to prove that the divine Church was the Anglican, not the Roman, Newman was already replying that "The proof of the Roman (modern) doctrine is as strong (or stronger) in Antiquity, as that of certain doctrines which both we and Romans hold: e.g. there is more of evidence in Antiquity for the necessity of Unity, than for the Apostolical Succession; for the Supremacy of the See of Rome, than for the Presence in the Eucharist; for the practice of Invocation, than for certain l ks in the present Canon of Scripture, etc. etc."[1] A little later he remarked that the rule of the *quod semper,* understood so as to exclude all dogmatic progress, is doubtless unanswerable against Rome, but then It strikes at Rome through England. It admits of being interpreted in one of two ways: if it be narrowed for the purpose of disproving the Catholicity of the Creed of Pope Pius IV, it becomes an objection to the Athanasian; and if it be relaxed to admit the doctrines retained by the English Church, it no longer excludes certain doctrines of Rome which that Church denies."[2] To admit the principle of dogmatic development is to understand the *quod semper* as St. Vincent of Lerins understood it, and as the Catholics understand it. To reject this principle is to undermine the Catholic *credo,* and many other *credos* too along with it: that of the Graeco-Russians, that of Calvin, and that of the Anglicans.

5. At the time when he found himself compelled to renounce the Anglican interpretation of the rule of antiquity, Newman, who had at first reproached Rome for having admitted heterogeneous additions, foreign to the primitive faith, became aware of the principle of dogmatic development as found in Vincent of Lerins himself: "I saw that the principle of development not only accounted for certain facts, but was in itself a remarkable philosophical phenomenon, giving a character to the whole course of Christian thought. It was discernible from the first years of the Catholic teaching up to the present day, and gave to that teaching a unity and individuality. It served as a sort of test, which the Anglican could not exhibit, that modem Rome was in truth ancient Antioch, Alexandria, and Constantinople, just as a mathematical curve has its own law and expression."[3] The truth of the development principle was at last borne in on Newman's mind with so much force that he had to get to grips with it and clear it up: "I came to the resolution of writing an Essay on Doctrinal Development; and then, if, at the end of it, my convictions in favour of the Roman Church were not weaker, of taking the necessary steps for admission into her fold."[4]

We know the result: "I had begun my *Essay on the Development of Doctrine* in the beginning of 1845, and I was hard at it through the year till October. As I advanced, my difficulties so cleared away that I ceased to speak of 'the Roman Catholics', and boldly called them Catholics. Before I got to the end, I resolved to be received, and the book remains in the state in which it was then, unfinished."[5]

(6) Later on, it was objected to Newman that, being subject to a power "which at its own will imposes upon men any new set of credenda when it pleases, by a claim to infallibility; in consequence . . . my own thoughts are not my own

[1] *Apologia,* ch. IV.
[1] *Essay on the Development of Christian Doctrine.* Introduction.
[2] *Apologia,* ch. IV.
[4] ibid.
[5] ibid.

property . . . I cannot tell that to-morrow I may not have to give up what I hold to-day." He replied, now as a Catholic theologian, that infallibility can never define anything that is not really contained in Scripture or Tradition: "Nothing can be imposed upon me different in kind from what I hold already—much less contrary to it. The new truth which is promulgated, if it is to be called new, must be at least homogeneous, cognate, implicit, viewed relatively to the old truth. It must be what I may even have guessed, or wished, to be included in the Apostolic revelation; and at least it will be of such a character, that my thoughts readily concur in it or coalesce with it, as soon as I hear it."[1]

(7) Before leaving the Anglican Church, Newman had attempted to defend her by appealing to the note of sanctity. The Anglican Church, he said, possesses "a divine life, clearly manifested, in spite of all our disorders, which is as great a note of the Church as any can be".[2]

But after the publication of his famous *Tract go,* Newman was compelled to recognize that neither the bishops nor the laity of the Anglican Church any longer believed what was nevertheless primitive patristic doctrine. A little later, the consecration at Jerusalem of an Anglican Bishop with jurisdiction over Calvinists and Lutherans appeared to him as an official recognition of heresy by the Church of England.[3]

The Church of England, in which nevertheless he still believed it his duty to remain, seemed to him then to be in an abnormal state with respect to the true Church, somewhat as Samaria was with respect to Jerusalem. The divine elements she still retained she was keeping as in exile. "At present I fear, as far as I can analyze my own convictions, I consider the Roman Catholic Communion to be the Church of the Apostles, and that what grace is among us (which, through God's mercy, is not little) is extraordinary, *and from the overflowings of His dispensation."*[4]

At the same time Newman realized that the reproaches he had formerly hurled against the Roman Church were mainly attributable to the human weaknesses of Catholics, and that, for example, to have a true and deep love for Our Lady, an Englishman is not obliged to love her according to the devotional style and taste of an Italian.

It was only after his conversion that the Church of England began to appear to him in a new light: "I cannot tell how soon there came on me—but very soon—an extreme astonishment that I had ever imagined it to be a portion of the Catholic Church. For the first time, I looked at it from without, and (as I should myself say) saw it as it was . . . It may be a great creation, though it be not divine, and this is how I judge of it . . . But that it is something sacred, that it is an oracle of revealed doctrine, that it can claim a share in St. Ignatius or St. Cyprian, that it can take the rank, contest the teaching, and stop the path of the Church of St. Peter, that it can call itself 'the Bride of the Lamb', this is the view of it which simply disappeared from my mind on my conversion."[5]

[1] ibid., ch. V. The Pope can neither define things contrary to the revealed deposit, nor things outside it, as, for example, the number of the stars.
[2] ibid., ch. IV.
[3] ibid., ch. III.
[4] ibid., ch. IV.
[5] ibid., Note E.

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